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JULY 15, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, July 15, 1987 at 3:00 p.m. in a Special Meeting.

Commissioner Nelder presiding.

AYES: Commissioners Davis, Nelder, Owens
ABSENT: Commissioners Giraudo, Sanchez

HEARING OF RECRUIT OFFICER DESIREE T. GARRICK, POLICE ACADEMY

The hearing of the disciplinary charges filed against Recruit Officer Desiree T. Garrick, Police Academy, was called it having been continued from the meeting of July 9, 1987.

Recruit Officer Desiree T. Garrick appeared in person and was represented by Jo Nell Biancalana, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witnesses appeared for the Defense for cross examination:

Officer James Gaggero, Company H
Officer Frank McKee, Police Academy
Sergeant James Leach, Police Academy
Sergeant David Robinson, Vice/Narcotics

The hearing was then continued to a Special Meeting on Thursday, July 16, 1987 at 6:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Owens
ABSENT: Commissioners Giraudo, Sanchez

(The entire proceedings were taken in shorthand form by Louis Torno, CSR.)

Recess taken during the hearing of Recruit Officer Desiree T. Garrick:

4:35 p.m. to 4:41 p.m.

The meeting, thereafter, was adjourned at 6:00 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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JULY 16, 1987 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Thursday, July 16, 1987 at 4:30 p.m. in Closed Session:

1. Attorney-Client Conference.

2. Personnel Matter

Commissioner Giraudo presiding.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

JULY 16, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, July 16, 1987 at 6:00 p.m. in a Special Meeting.

Commissioner Nelder presiding.

HEARING OF RECRUIT OFFICER DESIREE T. GARRICK, POLICE ACADEMY

The hearing of the disciplinary charges filed against Recruit Officer Desiree T. Garrick, Police Academy, was called it having been continued from the meeting of July 15, 1987.

Recruit Officer Desiree T. Garrick appeared in person and was represented by Jo Nell Biancalana, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witnesses appeared for the Defense for cross examination:

Sergeant Quinn Jones, Management Control
Sergeant Lillian Mattoch, Potrero Station
Sergeant Thomas Bywater, Taraval Station
Dr. Randall Baselt, Toxicologist

The hearing was then continued to a Special Meeting on Wednesday, July 29, 1987 at 2:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Owens
ABSENT: Commissioner Giraudo, Sanchez

(The entire proceedings were taken in shorthand form by Linda Pransky, CSR.)

Recesses taken during the hearing of Recruit Officer Desiree T. Garrick:

7:08 p.m. to 7:53 p.m.
8:42 p.m. to 8:51 p.m.

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16 SF 02/16/96 1080

APPROVAL OF MINUTES OF MEETING OF APRIL 30, 1987

Approval of Minutes of Meeting of April 30, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 844-87

JIMMIE LEE THOMPSON vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for approval of the settlement of the litigation of Jimmie Lee Thompson in the sum of $27,000.00 entitled "Jimmie Lee Thompson vs. City and County of San Francisco" in U.S. District Court No. C86-1904 TEH as the result of damages sustained, be, and the same is hereby denied.

Date of Incident: January 9, 1985 and January 31, 1986

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 845-87

THOMAS CARLSON/MICHAEL BAILEY vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that judgment made for the litigation of Thomas Carlson and Michael Bailey in Municipal Court No. 890-781 in the amount of $17,081.14 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 22, 1984

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

POLICE COMMISSION REPORT

Commissioner Giraudo stated that the Police Commission met in Closed Session on Personnel Matters and no vote was taken.

(a) PUBLIC COMMENTS

Mr. Newell Haywood, applicant on the Taxicab Application List, said to the Commission that it is now seven (7) months into the 1987 calendar year and no decision has been rendered on the Public Convenience and Necessity Hearings that commenced in November 1986. He then asked the Commission to calendar the final hearing on the issue so that persons such as himself can find out just what the Commission's intentions are.

Commissioner Giraudo advised him that the Commission intends to do just that in the very near future. He said the Commission has scheduled for two weeks for the Commission to submit proposed Rules and thereafter, the Commission will give at least two weeks notice of Public Hearings to all those in the Taxi Industry that the Commission will render its decision. He said the Commission would hope to have all of that done within the next six weeks.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had no additional items to report to the Commission at this time.

O.C.C. DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Dan Silva, acting Director of the OCC said tonight he was requesting permission to discontinue the use of the sub-title Professional Standards Agency of the San Francisco Police Department. He said the rational of removing this is not expressed as an element of the OCC's mandate and responsibility as per Charter and the OCC feels that the Professional Standards of the Department should be set by the Police Commission and the Police Department itself.

Commissioner Nelder said that he would certainly agree with that and had registered some question about it at the time it was developed. He said he would make a motion that the term Professional Standards be deleted and that the OCC be officially known as the Office of Civilian Complaints.

Mr. Silva said he would like to comment on item 9 on the calendar and also to mention that there are two policies that are having a negative effect upon the OCC and that is the record vault located at Police Legal and the retrieval of copies of complaints that are taken at the district stations. He said he has contacted Mr. Crew of the ACLU and Lieutenant Pecinovsky of the Legal Division and they have tentatively set up a meeting for Tuesday at 11:00 a.m. to discuss alternatives in draft form that the OCC would bring back to the Commission for the Commission's approval. He said in regard to item number 9, he as Acting Director of OCC would just request at some point an approval of a supplemental appropriation for $6,000.00 now that the Board of Supervisors have identified a number of millions of dollars from the city budget which other city agencies are applying for. He said he felt the OCC could be reimbursed during this fiscal year for the $6,000.00 travel expenditure.

Commissioner Giraudo said he did not feel the Commission could move on that now but would consider it at the time the request is submitted by the OCC.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION ON PROPOSED AMENDMENT TO SAN FRANCISCO MUNICIPAL CODE (TRAFFIC CODE SECTION 28.1) RELATING TO PROHIBITING OPERATION OF VEHICLES IN EXCESS OF 6,000 POUNDS UPON A PORTION OF BAY STREET

Lieutenant William Kearney of the Traffic Division spoke in behalf of this matter and said that Bay Street had been assigned for precluding or excluding trucks for 6,000 pounds or greater for some time. He said enabling legislation had not been past and Traffic has been unable to cite the violators. He said the measure here tonight creates the authority to cite the violators and he would request the Commission's approval.

Commissioner Nelder said he would make a motion to approve it. Commissioner Sanchez said he would second it. The motion for approval of the legislation to enable the citing of violators of this provisions was then unanimously approved.

RESOLUTION NO. 837-87

PROPOSED AMENDMENT TO SAN FRANCISCO MUNICIPAL CODE (TRAFFIC CODE) BY ADDING SECTION 28.1.79 THERETO, RELATING TO PROHIBITING OPERATION OF VEHICLES IN EXCESS OF 6,000 POUNDS UPON A PORTION OF BAY STREET

WHEREAS, that section of Bay Street between Fillmore and Van Ness Avenue is currently posted for control of vehicles over 6,000 pounds, and

WHEREAS, in order to enforce traffic regulations on said street, it is necessary to include the boundaries in the Traffic Code, and

WHEREAS, the amendment to the Traffic Code requires an ordinance from the Board of Supervisors; therefore be it

RESOLVED, that the Police Commission of the City and County of San Francisco hereby requests the Board of Supervisors to adopt the attached ordinance which will include Bay Street, between Fillmore and Van Ness Avenue, within the restricted streets for the purpose of Section 28.1 of the San Francisco Traffic Code.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

REQUEST FOR POLICE COMMISSION APPROVAL ON INTERNAL TRANSFER OF OFFICE OF CITIZEN COMPLAINTS FUNDS FROM OBJECT 120, OTHER SERVICES INTO OBJECT 112, TRAVEL ACCOUNT, IN THE AMOUNT OF $6,000.00 FOR THE PURPOSE OF REIMBURSING CANDIDATES FOR TRAVEL EXPENSES

Commissioner Giraudo said that the Commission had heard what Mr. Silva had said in this regard he then asked Mr. Crew of the ACLU if he would like to say something in regard to this matter. Mr. Crew then said he just wanted to commend the Commisson for putting the OCC Director's Report on the Agenda.

He said he felt that it is a very important step in increasing accountability and also assuring the OCC as an independent agency. He said but on this Item #9, he felt it is important also to request a supplemental appropriation even though all of the controversies and studies of the last few months unanimously concluded that this agency is severely under budgeted and this $6,000.00 travel expenses for the Director Interview Process was an unanticipated expense. He continued by saying that the Mayor just a couple of months ago said that many of the OCC problems is due to a budget that is far too restrictive and its also apparent the agency is hard pressed to keep up with the volume of complaints. He said that he felt that in light of that $6,000.00 will not solve the problem but he did not feel they should have $6,000.00 in unanticipated travel expense come out at this time. He said he would hope that the Commission would quickly act to compensate for this expense.

Commissioner Davis said he would make a motion to approve the request and authorize the Acting Director to apply for supplemental funds to replace the amount now being deducted from the OCC budget by approval of this request.

Commissioner Owens said she would second the motion. The item was then unanimously approved.

RESOLUTION NO. 838-87

REQUEST FOR INTERNAL TRANSFER OF OFFICE OF CITIZEN COMPLAINTS FUNDS FROM OBJECT 120 to OBJECT 112 IN THE AMOUNT OF $6,000.00

RESOLVED, that the Police Commission hereby approves a request for transfer of funds within the Office of Citizen Complaints in the amount of $6,000.00 from Object of Expenditure 120, Other Services to Object of Expenditure 112, Travel, and be it further

RESOLVED, the purpose of this reallocation of funds would be to provide funds for travel expenses for candidates selected for interview for the position of Director of Office of Citizen Complaints.

AYES: Commissioners Davis, Giraudo, Nelder, Owens Sanchez

PUBLIC HEARING ON REVISED DEPARTMENT GENERAL ORDER D-4, "ALCOHOL/DRUG USE BY MEMBERS"

Chief Jordan said that he had just been advised that since he was going to be asking on Item #11 for one week delay for a further clarification it is necessary to do the same for Item #10, General Order No. D-4, because if not, the Department would be legalizing drugs for one week as the Department would only be able to deal with alcohol but not drugs so he was asking that both items be continued.

Commissioner Nelder said he would make a motion that both Items 10 and 11 be continued for two weeks, Commissioner Owens seconded and it was unanimously approved.

SETTING OF DATE FOR HEARING OF DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER ROBERT J. RIBEIRO, CENTRAL STATION

Malcolm Rainsford, Attorney for Officer Ribeiro said he would like to protest the proposed date of August 12th for Hearing on this case. He said the date was too early as Officer Ribeiro is facing four serious felony charges that are now pending in the Municipal Court. He said there has been no preliminary hearing in the matter, nothing is known of what the outcome is going to be and maybe the charges are baseless. He said he would ask that the charges be continued to at least some time in September.

Mr. Michael Gash, Attorney for the Department said it is his belief that the Commission's Policy has been to proceed on these matters even though there may be a criminal case pending. He said in this case the Officer has been suspended and the Department has ninety (90) days from the date of suspension to bring the matter before the Commission.

Mr. Rainsford said he and his client would be willing to waive any time limit if those limits can be waived. He continued by saying its as Mr. Gash said, if he heard correctly that the word was may, which is not mandatory and if so he would then ask that it be set at least sixty (60) days from now.

Commissioner Nelder then advised counsel for the Officer that the counsel for the Department, Mr. Gash, had asked that this matter be set for at least a month from today which is ample time to prepare any kind of a case and he would support what Mr. Gash says. He said there was a time when the Commission did entertain continuances as they related to the Criminal Process but the Commission found itself so far in arrears that the Commission must now stick with its policy. Commissioner Nelder then made a motion to continue the matter to August 20th for hearing, Commissioner Sanchez seconded and it was unanimously approved.

RESOLUTION NO. 839-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER ROBERT J. RIBEIRO, CENTRAL STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Robert J. Ribeiro, Central Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of Police Officer Robert J. Ribeiro, be set for August 20, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Robert J. Ribeiro, Central Station, is set for Thursday, August 20, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 840-87

SETTING OF DATE FOR HEARING OF DISCIPLINARY CHARGES FILED AGAINST LIEUTENANT RICHARD D. HOLDER, SPECIAL OPERATIONS DIVISION, TACTICAL COMPANY

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Lieutenant Richard D. Holder, Special Operations Division, Tactical Company, was called it having been scheduled for this date; and

WHEREAS, it was requested by Ms. Mary Coughlin, Attorney for the Defense and was concurred by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of Lieutenant Richard D. Holder, be set for October 1, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Lieutenant Richard D. Holder, Special Operations Division, Tactical Division, is set for Thursday, October 1, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

HEARING OF THE DISCIPLINARY CHARGES FIELD AGAINST POLICE OFFICER DEBORAH E. FRANKS, POTRERO STATION

Mr. Bob Barry, President of the SFPOA, said that now that General Orders D-4 and D-18 have been put over for two weeks. One of the reasons he said for their request for three weeks of which he could not speak publicly about, directly relates to provisions in one of those General Orders. He said the decision on when to hold the hearing is consistent on when the Commission is going to adopt, reject or amend those orders.

Commissioner Giraudo said that may be a long time coming and he felt that the Commission could not hold hearings based upon what the Commission may or may not do on General Orders.

Commissioner Davis said it seems reasonable that if the Commission is hearing a case it should be based on the order the Commission was working under at the time of the alleged violations instead of a new order that the Commission may adopt subsequent to the violations.

Commissioner Sanchez said he would make a motion to continue this matter for three weeks. Commissioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 842-87

HEARING OF POLICE OFFICER DEBORAH E. FRANKS, POTRERO STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Deborah E. Franks, Potrero Station, was called, it having been scheduled for this date; and

WHEREAS, it was requested by President Robert Barry, Police Officers' Association, that the date for the hearing be continued to August 6, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Officer Deborah E. Franks, Potrero Station, is hereby continued to Thursday, August 6, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commmissioners Davis, Giraudo, Nelder, Owens, Sanchez

RESOLUTION NO. 843-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER RAUL E. MORENO, MISSION STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Raul E. Moreno, Mission Station, as follows:

SPECIFICATION NO. 1

Possessing or using controlled substances as defined under the California Uniform Controlled Substance Act (violation of Section IV.C of General Order D-4 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Raul E. Moreno, Mission Station, is scheduled for Thursday, July 23, 1987 at 5:30 p.m. at Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens, Sanchez

HEARING OF POLICE OFFICER GEORGE A. LOZANO, NORTHERN STATION

The hearing of the disciplinary charges filed against Police Officer George A. Lozano, Northern Station, was called it having been set for this date. Police Officer George A. Lozano was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to report the recovery of a stolen vehicle (violation of Section V.A.5 of General Order J-3 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 5

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Franciso Police Department.

Police Officer George A. Lozano appeared in person and was represented by Mr. William Barfield, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Department.

An opening statement was made by Mr. William Barfield for the Defense. Mr. Barfield made a plea of guilty on all charges on behalf of Officer George A. Lozano. Mr. Barfield made a statement giving mitigating circumstances to the charges.

An opening statement was made by Mr. Michael Gash for the Prosecution. Mr. Gash outlined to the Commission the charges against Officer Lozano from Specifications 1 - 5.

Thereafter, a motion was made by Commissioner Juanita Owens to accept the plea made on behalf of Officer Lozano by Officer Lozano's attorney, Mr. William Barfield, and was seconded by Commissioner Owen Davis, and unanimously approved.

The following exhibits were entered into evidence by the Defense:

Exhibit A — Veterans Administration letter to Police Commission dated 7/16/87 Re: Officer Lozano from Mary Peirano, RN, MSN

Exhibit B — Letter to Editor of newspaper from Judith W. Harrison, June 14, 1987, praising Officer Lozano

The Commission took the matter under submission, recessed and returned, concluding that Specifications 1 - 5 are sustained.

Based on those findings, the Commission requested a recommendation from the Chief of Police Frank M. Jordan. It is the recommendation of the Chief that Officer George A. Lozano be terminated.

The Commission again took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 841-87

DECISION - HEARING OF POLICE OFFICER GEORGE A. LOZANO, NORTHERN STATION

WHEREAS, on December 23, 1986, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer George A. Lozano as follows:

SPECIFICATION NO. 1

Failure to report the recovery of a stolen vehicle (violation of Section V.A.5 of General Order J-3 of the San Francisco Police Department);

(1) At all times herein mentioned, George A. Lozano, Star No. 2184 (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to the Metropolitan Division - Northern Station.

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about April 1, 1986 a citizen was arrested by Officer Ray Ramos, Star No. 2218, of Northern Station. At the time of this arrest the citizen was operating his 1978 Ford California License Plate Number 2AOB499. The citizen requested that the vehicle be left with an acquaintance;

(4) After his release from jail the citizen was unable to locate his vehicle or the person whom he had entrusted with the vehicle. On or about April 5, 1986, the citizen filed an embezzled vehicle complaint with Inspector Michael Pedrini, Star No. 505 of the Auto Theft Section;

(5) On or about May 1, 1986, Inspector Pedrini entered the citizen's vehicle in the State and National Computer Systems as stolen;

(6) On or about June 19, 1986, the citizen found his vehicle parked in the 3000 block of Lyon Street. The citizen telephoned the police that he had located his vehicle. Communications dispatched Unit 3E5 to 3054 Lyon Street at approximately 1734 hours in response to the citizen's telephone call. At approximately 1744 hours Unit 3E61 notified Communications that it was handling the complaint at 3054 Lyon Street. On June 19, 1986, the accused was assigned to Unit 3E61;

(7) On or about June 19, 1986, the accused issued a vehicle release to the citizen. After issuing a vehicle release to the citizen the accused failed to report the vehicle to Auto Statis immediately for the purpose of clearing the stolen vehicle entry in the State and National Computer Systems.

(8) The accused, by failing to immediately report the recovery of a stolen vehicle to the Auto Statis after the vehicle was recovered, has engaged in conduct which constitutes a violation of Section V.A.5 of General Order J-3 of the San Francisco Police Department, which states:

"The field unit recovering the vehicle shall report the recovery to the Auto Statis immediately for the purpose of clearing the stolen vehicle entry in CLETS and NCIC."

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(9) The allegations contained in Specification No. 1, paragraphs (1) through (8) are hereby incorporated by reference as if fully set forth herein;

(10) On or about June 19, 1986, the accused responded to the 3000 block of Lyon Street to handle a complaint regarding a recovered stolen vehicle;

(11) The accused asked the citizen who had reported the recovered stolen vehicle for proof of registration. The citizen gave the accused his recently received registration card which had stapled to it a new 1987 vehicle registration tab. The Department of Motor Vehicle records indicate that a 1987 vehicle license tab number WO977817 was issued to the citizen for his 1978 Ford California License Plate Number 2AOB499;

(12) The accused without the permission or knowledge of the citizen took the citizen's 1987 vehicle registration tab. The citizen subsequently discovered that his vehicle registration tab was missing from his registration card and reregistered his vehicle.

(13) On or about August 27, 1986, at approximately 1310 hours a Parking Control Officer was dispatched to the 200 block of Larch Street on a complaint of vehicles being illegally parked. The Parking Control Officer discovered that one vehicle on Larch Street, a 1984 Chevrolet, had already been cited by a police officer, however, other illegally parked vehicles had not been cited;

(14) A check of the cited vehicle, the 1984 Chevrolet, determined that the vehicle was registered to the accused and that the registration for the vehicle had expired in July 1985, although the rear license plate of the vehicle displayed a current 1987 vehicle tab. The Parking Control Officer requested that a supervisor respond to the 200 block of Larch Street;

(15) On or about August 27, 1986, at approximately 1315 hours, Sergeant Dirk Bijen, Star No. 549, of Northern Station responded to the 200 block of Larch Street. Sergeant Bijen found 1987 vehicle license tab number WO977817 affixed to the rear license plate of the accused's vehicle. The Department of Motor Vehicles records indicate that 1987 vehicle license tab number WO977817 was issued to a 1978 Ford California License Plate number 2AOB499;

(16) The accused by taking the 1987 vehicle tab of a citizen without the citizen's knowledge or permission has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the dpeartment or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(17) The allegations contained in Specification No. 1, paragraphs (1) through (8) and Specification No. 2, paragraphs (9) through (16) are incorporated by reference as if fully set forth herein;

(18) The California Vehicle Code requires the registration of any motor vehicle which is driven, moved or left standing upon a highway. The registration for the accused's private vehicle expired in July 1985. From July 1985 until about August 27, 1986, the accused received numerous citations for failure to register his vehicle;

(19) The accused displayed the vehicle tab he took from a citizen, without the citizen's permission or knowledge, on his private vehicle for the purpose of circumventing the California Vehicle Code registration requirements;

(20) The accused by displaying from about June 19, 1986 until about August 27, 1986, the vehicle tab he took from a citizen, without the citizen's permission or knowledge, on his private vehicle for the purpose of circumventing the California Vehicle Code registration requirements has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the Department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 4

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

(21) The allegations contained in Specification No. 1, paragraphs (1) through (8), Specification No. 2, paragraphs (9) through (16), and Specification No. 3, paragraphs (17) through (20) are incorporated by reference as if fully set forth herein;

(22) On or about August 27, 1986, at approximately 1315 hours, a Parking Control Officer was dispatched to the 200 block of Larch Street on a complaint of vehicles being illegally parked on Larch Street. The Parking Control Officer found that one vehicle on the block had already been cited by a police officer, however other illegally parked vehicles had not been cited;

(23) On or about August 27, 1986 at approximately 1315 hours, Sergeant Dirk Bijen responded to the 200 block of Larch Street and found citation number 031689232 on the accused's vehicle;

(24) Sergeant Bijen also discovered that this citation had been issued by the accused while the accused was off duty at approximately 0840 hours on August 27, 1986, for violation of Traffic Code Section 32b (no parking).

(25) Department records indicate that citation number 031689232 was not turned in or forwarded through department channels. The accused issued this citation to prevent receiving more than one citation on his illegally parked vehicle.

(26) The accused by issuing a traffic citation on his personal vehicle for the purpose of evading parking law enforcement has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 5

Failure to prevent crime while off duty (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department).

(27) The allegations contained in Specification No. 1, paragraphs (1) and (2) are incorporated by reference as if fully set forth herein;

(28) On or about November 17, 1986, Officer John Paige, Star No. 1453 and Officer Kevin Martin, Star No. 1157, while on duty were stopped by a security guard who requested that they move a vehicle, a 1984 Chevrolet, that was blocking a street elevator. The officers determined that the vehicle belonged to the accused, whom they located at a nearby on-sale general liquor establishment in the 500 block of Post Street. After discussing the problem with the accused, the accused informed the officers that he would move his vehicle;

(29) On or about November 17, 1986 at approximately 0230 hours, Officers Paige and Martin observed the accused walking in the 500 block of Taylor Street. The officers observed that the accused was too intoxicated to operate a motor vehicle and requested permission from their supervisor to drive him home. The accused was transported at approximately 0250 hours by Officer Paige and Martin to Eddy and Franklin Streets, which is the closest intersection to the accused's residence;

(30) On or about November 17, 1986 at approximately 0335 hours, Officer Stephen Collins, Star No. 295 and Officer Edmund Cota, Star No. 357, while on duty observed a 1984 Chevrolet being driven in an erratic manner on Van Ness Avenue. The officers made a traffic stop of the vehicle which was driven by the accused on Van Ness Avenue at O'Farrell Street.

(31) The accused was given and failed a field coordination test. The accused was placed under arrest for violation of California Vehicle Code Section 23152(a) and was transferred to the Central Emergency Hospital where a blood test was administered;

(32) The blood test indicated that the accused's blood contained .29% alcohol by weight;

(33) California Vehicle Code Section 23152(a) makes it a crime to operate a motor vehicle on the public roads of the State of California while under the influence of alcohol and California Vehicle Code Section 23152(b) makes it a crime to operate a motor vehicle on the public roads of the State of California with more than .10% blood alcohol by weight;

(34) By driving a motor vehicle on the public roads of the State of California while under the influence of alcohol and with more than .10% blood alcohol by weight, the accused has failed to prevent crime which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department, which states:

"Officers shall, while off duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, July 16, 1987, and on Thursday, July 16, 1987 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specifications 1 - 5 as preferred by the Chief of Police against Police Officer George A. Lozano are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

Specification No. 1)
Specification No. 2)
Specification No. 3) Termination
Specification No. 4)
Specification No. 5)

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

AYES: Commissioners Davis, Nelder, Owens
ABSENT: Commissioners Giraudo, Sanchez

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Recess taken during the hearing of Officer George A. Lozano:

7:31 p.m. to 7:47 p.m.

The meeting, thereafter, was adjourned at 10:00 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

JULY 23, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, July 23, 1987 at 1730 hours in a Regular Meeting.

Commissioner Nelder presiding.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Davis, Giraudo

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APPROVAL OF MINUTES OF MEETING OF MAY 7, 1987

Approval of Minutes of Meeting of May 7, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 852-87

JACK B. THOMAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jack B. Thomas in the sum of $99.25 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 23, 1986

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Davis, Giraudo

RESOLUTION NO. 853-87

HARRY & KITTEN TROUTT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harry & Kitten Troutt in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 4, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 854-87

CHRIS CUSTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chris Custer in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 3, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 855-87

ALAN ABRAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alan Abrams in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 7, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 856-87

LAURA NOLAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Laura Nolan in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 28, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 857-87

BRIAN CIHLAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Brian Cihlar in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 11, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 858-87

JANET K. MASON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Janet K. Mason in the sum of $15.20 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioner Davis, Giraudo

POLICE COMMISSION REPORT

Commissioner Sanchez said that he would like to request a status report on the new towing detail contract that is now in operation. He said he remembered as he was reviewing some of his notes that the Commission did have a hearing on the subject and the Commission voted to make it conditional upon the evaluation of that cite at 11th Street because of the possibility of traffic congestion and he said he felt it would, in two weeks, be a good time to have an update as to how the facilities are working.

(a) PUBLIC COMMENTS

No public comments offered at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had one additional item other than what is on the calendar tonight and that is the first 6 months of this year, a comparison of crimes on MUNI facilities, all the major serious crimes shows a reduction of 24.5%. He said most of the statistics are very encouraging and in only one area do they go up and it shows a plus 33% in armed robbery. He said they are also very concerned with the graffiti on the buses. He said it went up to about 280 in either citations or arrest. He said this is something they are looking at every week and pursuing with the Juvenile Justice Commission and the District Attorney.

O.C.C. DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Dan Silva said that on Tuesday of this week, Barbara Attard, representing the OCC, met with Lieutenant Pecinovsky of the Legal Section and Mr. John Crew of the ACLU and the OCC is proposing to secure the files that have been in question at the OCC Offices at 555 7th Street. He said the problem that will accrue with that is Police Legal has an extensive amount of work in the form of request from the courts for these files and OCC will now have added work in dealing with the files. Because of this, he said, they would be requesting along with providing the security for the files, a clerical person from the Department at least on loan for approximately six months, so that when Police Legal calls, that person could compile solely that information for them and for the subpoenas that OCC receives.

Lieutenant Ed Pecinovsky said they take a different view of what Mr. Silva has presented here in that the records be maintained exclusively by the OCC. He said the records are records of the Department and the Commission in its discretion can determine where the records are kept. He said the Legal Office believes that these records are personnel files as outlined in State Law which is very clear and as such the Chief has responsibility for protecting those files. He said when these cases go to court via a Pitchess Motion it is the Chief's Staff who has to go to court and defend those files and it is his responsibility through legal staff to see that this is done. He said this is why the Legal Staff believes those files are better kept here in the Department.

Chief Jordan said his only concern is that the SFPD is already critically short of clerks and it is the first time it has been brought to his attention that a clerk from the Department would be on loan to the OCC. He said he feels it would be perfectly appropriate for them to apply for and receive a position for a clerk rather than take one of the Department's.

Mr. John Crew said he would respectively disagree with what Lt. Pecinovsky has said as the law in the ACLU's mind is not very clear that these are personnel files. He said the Law the Lieutenant is referring to provides that the records will enjoy the protection that personnel records enjoy to protect the confidentiality rights of officers but just because there is that protection that these records are personnel files kind of raises a disturbing perspective on this. He said is it being said that the OCC which is an independent investigative agency under the control and supervision of the Police Commission has files that suddenly become the purview of the Police Department at some stage? If so, he said, at what stage, as soon as the case is completed? He said he strongly feels that the integrity of this independent civilian oversight process must be maintained. He said his proposal as a short term solution to preserve the integrity of the files if it is not a burden for storage is to send these files back to the OCC, continue to have legal access in them and allow them to be under the control and supervision of the OCC but deal with the bigger issue of which clerical person is actually going to do the labor as a long term matter.

Commissioner Nelder then asked if it would be possible for Mr. Crew, Mr. Silva and Lt. Pecinovsky to sit down and see what kind of a plan they could derive and put into effect to accomodate or solve the problem. He said, also, include the City Attorney and come back to the Commission in one week.

Commissioner Sanchez said he would make a motion that the Acting Director of the OCC and Chief of Police meet with Legal and City Attorney and Mr. John Crew pertaining to the resolution of the problem of personnel and OCC records and in doing so to also look at the possibility of classification of a new position entitled such as the Custodian of Records which might be defined and expedited through a supplemental if that is the ultimate discussion and outcome of this body that is to meet and that would be brought back to the Commission within a one week time period. Commissioner Owens seconded and it was unanimously approved.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION REVOKE LIMOUSINE PERMIT L-43 HELD BY WILLIS AND MALCOLM ROSS

Lieutenant Winters of the General Office said this revocation is based on a failure of the permitees to submit any form of insurance and secondly to file the required forms.

He said subsequently to filing this complaint, his office received a communication from the Tax Collector which is a return statement of license fee due which indicates the permit holders are retired from the business.

Commissioner Sanchez said he would make a motion to accept the Department's recommendation based on the Tax form as submitted by Lt. Winters. Commissioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 846-87

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION REVOKE LIMOUSINE PERMIT L-43 HELD BY WILLIS AND MALCOLM ROSS

WHEREAS, the hearing on the recommendation of the Chief of Police that the Police Commission revoke Limousine Permit L-43 held by Willis and Malcolm Ross was called it having been set for this date; and

WHEREAS, Mr. Willis and Malcolm Ross did not appear before the Police Commission, and

WHEREAS, the hearing on the recommendation of the Chief of Police that the Police Commission revoke the Limousine Permit of Willis and Malcolm Ross was based on their failure to comply with Vehicle Code Section 16500.5 (proof of insurance); therefore be it

RESOLVED, that it is the decision of the Commission to revoke Limousine Permit L-43 held by Mr. Willis and Malcolm Ross.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 847-87

REQUEST FOR HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF POLICE OFFICER PHILLIP BURTON, SOUTHERN STATION

WHEREAS, Police Officer Phillip Burton filed an appeal on the Chief's suspension through the Police Officers' Association, and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, with the concurrence of the Police Officers' Association representing Officer Phillip Burton, that the date for the hearing be set for September 24, 1987; therefore be it

RESOLVED, that the date for the hearing on the appeal of the Chief's suspension of Police Officer Phillip Burton, Southern Station, is set for Thursday, September 24, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 848-87

SETTING OF DATE OF HEARING OF DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER RAUL E. MORENO, SOUTHERN STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Raul E. Moreno, Southern Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of Police Officer Raul E. Moreno, be set for September 24, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Raul E. Moreno, Southern Station, is set for Thursday, September 24, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 849-87

RESETTING OF DATE FOR HEARING OF PATROL SPECIAL OFFICER ALBERT L. ROBLES, CENTRAL POLICE DISTRICT

WHEREAS, the date for the resetting of the hearing of the disciplinary charges filed against Patrol Special Officer Albert L. Robles, Central Police District, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. John Prentice, Attorney at Law, representing the Defense, that the date for the hearing of Patrol Special Officer Albert L. Robles be reset for October 8, 1987; therefore be it

RESOLVED, that the date fo the hearing of the disciplinary charges filed against Patrol Special Officer Albert L. Robles, Central Police District, is scheduled for Thursday, October 8, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 850-87

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - RECRUIT OFFICER DESIREE T. GARRICK, POLICE ACADEMY

WHEREAS, Recruit Officer Desiree T. Garrick, Police Academy, was suspended without pay effective 1300 hours on March 26, 1987, pending hearing of charges before the Police Commission; and

WHEREAS, Recruit Officer Desiree T. Garrick has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Recruit Officer Desiree T. Garrick, Police Academy, be placed on Leave of Absence Without Pay at her request for a period of forty-two (42) days commencing June 18, 1987 through July 29, 1987, inclusive, be, and the same is hereby approved.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 851-87

HEARING OF POLICE OFFICER MICHAEL J. WALSH, RICHMOND STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Michael J. Walsh, Richmond Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by the Police Commission that the hearing be continued for resetting on July 30, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Michael J. Walsh, Richmond Station, is hereby continued for resetting on Thursday, July 30, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF POLICE OFFICER RONALD HOLLINS, SOUTHERN STATION

The hearing of the appeal of the Chief's suspension of Police Officer Ronald Hollins, Southern Station, was called it having been set for this date.

Police Officer Ronald Hollins appeared in person and was represented by Mr. Clifton Jeffers, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Michael Gash for the San Francisco Police Department.

An opening statement was reserved at this time by Mr. Clifton Jeffers, Attorney at Law.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Lieutenant George Kowalski, Company D
Mr. Robert Van Derel, 936 Mission Street
San Francisco, California

The following exhibit was entered into evidence by the Prosecution:

Exhibit #1 San Francisco Police Dept. Incident Report 861246536, 11/11/85, by Officer James Jones

At this time an opening statement was made by Mr. Clifton Jeffers, Attorney at Law, on behalf of Officer Ronald Hollins.

The following named witnesses appeared for the Defense, were sworn and testified:

Police Officer Ronald Hollins, Company B
Police Officer James D. Jones, Company B

The hearing was then continued to Thursday, July 30, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

(The entire proceedings were taken in shorthand form by Ms. Anita Weinert, CSR.)

Recess taken during the hearing of Officer Ronald Hollins:

7:45 p.m. to 8:05 p.m.

HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF POLICE OFFICER JAMES D. JONES, SOUTHERN STATION

The hearing of the appeal of the Chief's suspension of Police Officer James D. Jones, Southern Station, was called it having been set for this date.

Police Officer James D. Jones appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Michael Gash for the San Francisco Police Department.

An opening statement was made by Mr. Stephen Whitmore on behalf of Officer James D. Jones.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Lieutenant George Kowalski, Company D
Mr. Robert Van Derel, 936 Mission Street
San Francisco, California

The following exhibit was entered into evidence by the Prosecution:

Exhibit #1 San Francisco Police Dept. Incident Report 861246536, 11/11/85, by Officer James Jones

The following named witnesses appeared for the Defense, were sworn and testified:

Police Officer Ronald Hollins, Company B
Police Officer James D. Jones, Company B

The hearing was then continued to Thursday, July 30, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

(The entire proceedings were taken in shorthand form by Ms. Anita Weinert, CSR.)

Recess taken during the hearing of Officer James D. Jones:

7:45 p.m. to 8:05 p.m.

The meeting, thereafter, was adjourned at 10:00 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

JULY 29, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Wednesday, July 29, 1987 at 1430 hours in a Special Meeting.

Commissioner Nelder presiding.

AYES: Commissioners Davis, Nelder, Owens
ABSENT: Commissioners Giraudo, Sanchez

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HEARING OF RECRUIT OFFICER DESIREE T. GARRICK, POLICE ACADEMY (CONTINUED FROM MEETING OF JULY 16, 1987)

The hearing of the disciplinary charges filed against Recruit Officer Desiree T. Garrick, Police Academy, was called it having been continued from the meeting of July 16, 1987.

Recruit Officer Desiree T. Garrick appeared in person and was represented by Jo Nell Biancalana, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following named witnesses appeared for the Defense for cross examination:

Officer Constance Louie, Police Academy
Officer Michael P. Palada, Company H
Officer Nicholas Shihadah, Company D
Officer Enrico Pierucci, Company D
Officer Sandy Phillips, Company H
Officer John C. Mulkeen, Company F
Officer Jody Kato, Company H
Officer Ignacio Martinez, Company A
Officer Mike Wells, Company H
Officer Brian Williams, Company F
Officer Charles Mecullar, Company D
Officer Howard Weathersby, Company A
Officer Randy Williams, Company D
Recruit Officer Desiree T. Garrick, Police Academy

The hearing was then continued to a meeting to be scheduled by the Police Commission (date not yet set).

AYES: Commissioners Davis, Nelder, Owens
ABSENT: Commissioners Giraudo, Sanchez

(The entire proceedings were taken in shorthand form by Ms. Connie McCarthy, CSR.)

Recess taken during the hearing of Recruit Officer Desiree T. Garrick:

4:30 p.m. to 4:40 p.m.

The meeting, thereafter, was adjourned at 5:45 p.m.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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JULY 30, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Thursday, July 30, 1987 at 1630 hours in a Special Meeting.

1. Meet and Confer with the San Francisco Police Officers' Association regarding Proposed Hearing Rules for The Police Commission

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

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JULY 30, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, July 30, 1987 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

APPROVAL OF MINUTES OF MEETING OF MAY 14, 1987

Approval of Minutes of Meeting of May 14, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 859-87

FARMERS INSURANCE (INS: POMEROY, STEVE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Farmers Insurance (Ins: Pomeroy, Steve) in the sum of $1,220.85 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 860-87

GAIL M. DAL CIELO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gail M. Dal Cielo in the sum of $887.22 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 6, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

POLICE COMMISSION REPORT

Commissioner Giraudo said the Police Commission had no report this evening other than the fact that it met today in a meet and confer with respect to rules and procedures for the Police Commission on Disciplinary Hearings. No vote was taken.

(a) PUBLIC COMMENTS

No Public Comments were offered by anyone in the audience at this time.

Commissioner Giraudo then said he would like to refer back to the Police Commission Report and mentioned that apparently there was some confusion as to what he had said last week on the scheduling of this Commission's decision with respect to the issuance of Taxi Cab Permits for Public Convenience and Necessity. He said what he thought he had said and tried to make clear was that the Commission, through to this evening, each Commissioner was going to submit recommendations to supplement the present rules and procedures of the Department for enforcement and as well as the rules themselves and then each Commission would then review the submissions of the other Commissioners and come out with recommendations for those rules and regulations and as well try to study the process of implementation and enforcement of those rules and regulations and how the Commission or the Department could fund the necessary manpower to enforce those rules and regulations and then at that point we would give the Public Notice which would be two weeks to render a decision. He then said if there is anybody present that is concerned about that process that is the intention of the Commission. He said he believes that time frame will be somewhere between four and six weeks.

Mr. Ed burke, Taxi Driver, asked when the Commission gives its recommendations on the Rules, will he and others have a chance to respond?

Commissioner Giraudo advised that the Commission will render a decision based upon all of the testimony, the hours of testimony and the voluminous written submissions that the Commission has received from taxi drivers, permit holders, people on the list and taxi cab company owners. He said the Commission has heard a sufficient amount of evidence with respect to its determination of Public Convenience and Necessity for new permits or no new permits. So therefore, he said, there will be no more public comments.

Mr. Burke said he hoped as far as rules and regulations are concerned that included with the recommendations that there will be some kind of a ride sharing program between San Francisco and the Airport and the Airport and San Francisco and he would just like the Police Commission to keep in mind that the Airport Commission is moving very swiftly on getting the Super Shuttle in on the downstairs carrier. He said there is a problem there that needs to be ironed out. Commissioner Giraudo advised that the Police Commission was currently seeking a City Attorney's Opinion on a number of things and that it does not have jurisdiction over the Airport.

He said to Mr. Burke if he has greater thought on this he might bring it to the Board of Supervisors as his idea speaks of obtaining legislation to achieve what his desires maybe on that particular subject.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had two items for the Commission and one is a Press Release from the Department's Public Affairs Office which will update the Commission on this new Enforcement Task Force dealing with Narcotics. He said in effect what it amounts to is that the Department will be using about 836,000 dollars of Narcotic Forfeiture Asset seizures and in effect the Department will be ploughing back in on dealers of drugs hopefully an effective program of law enforcement tied together with the United States Attorney's Office through Joe Russinello for a cross designation of cases where some of the, hopefully, high echelon dealers being prosecuted in the Federal Courts will receive some stronger and longer sentences. He said the Department is working with the Drug Enforcement Administration (DEA) of the Federal Government and with the State Bureau of Narcotics Enforcement. He said the Department will be moving on all fronts at the same time and in effect they will have a narcotics administration unit that will be dealing with middle and upper level enforcement in terms of drug dealers and will have two street teams, one in the Golden Gate Division and one in the Metropolitan Division containing forty-five (45) Officers a piece. He said, so, in effect the Department will be going from about fifty-three (53) Officers working the narcotics area to about one hundred and seventeen (117). He said if they stay with the program through some of the target areas, such as public housing facilities, public parks, recreation areas and no neighborhood corridors that have high incedences of street drug sales, it should be successful. He said the Department has found that in the past that if all efforts are placed in one place then the crime shifts to another place in San Francisco. He said with this effort all fronts are hit at the same time and the displacement will not go anywhere else unless out of San Francisco.

The Chief continued by saying that the second item he had for the Commission was in regards to a crime information bulletin that went out yesterday. He said it shows a series of sexual assaults in Golden Gate Park and that there were three during the month of July. He said this is very important for the citizens to know so that the crime prevention aspect is involved here. He said the Department has Police details on line that he would not be able to go into in terms of what kind of deployment is use, but, it does involve plain clothes and uniformed security in Golden Gate Park. This information he said, also shows the suspect's photo based on a composite picture of what the victims have shown the Department. He said three of the attacks have occurred on one, a foot path near Stow Lake, the Conservatory Drive Area near the horse shoe pits and the third was in a wooded area off of 45th Avenue. He said two occurred in the day time, one at about 11:35 in the morning and one, at about 12:00 noon and the third one was about 7:45 p.m. He said the news media has given the Department high profile news coverage about this so that people are aware of the problem and the details are on line now to hopefully capture the suspect.

O.C.C. DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Silva said that he had three short items. First, he said, Lt. Pecinovsky and himself had a preliminary meeting with Mr. Tom Owens of the City Attorney's Office to detail the Commission's concerns and request an opinion on the security of the OCC and Department files. He said Mr. Owens has asked for additional time to render this opinion and it should be ready before the Commission's next meeting. He said the second item is in his communication to the Commission regarding Chief's request for OCC information to be provided to police personnel. He said he wanted to assure the Commission that that will be undertaken as soon as he is able to meet with Lt. Tom Murphy of Personnel who is returning from vacation this Monday and he said he did not foresee any problems with that at all.

He said the third item is an item he had brought up two weeks ago regarding General Order L-1, Section E-1 which requires OCC each Friday to respond to the various units of the San Francisco Police Department to pick up copies of the complaints which have already been forwarded to the OCC. He said this is a check system to insure that the Department is complying with elements of that General Order. He said the OCC was complying with it from December through April and then in Mid-April, as the process involved the necessity of an investigator to leave the office for the most part of Friday and sometimes to Monday picking up the copies of complaints, Mr. Schober at that time ordered it discontinued. He said as he reported to the Commission during this time the OCC has no indication at all that any complaints have been missing. He said what he is requesting tonight is that the Commission pass a resolution amending General Order L-1 which would simply require the Commanding Officer to forward to the OCC through the Department the copies of the 293's that the Commanding Officer accumulated during the week.

Commissioner Nelder said he would make a motion that this matter be placed on the calendar for consideration one week hence. Commissioner Owens seconded and it was unanimously approved.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION REVOKE TAXICAB PERMIT HELD BY MR. JOSEPH GALLI

Mr. Larry Wilson from the Department's Legal Office advised the Commission that they had before them the recommendation of Deputy Chief Macia that the Permit held by Joseph Galli be revoked. Mr. Wilson said he has since discussed this matter with the Chief of Police and the Department is prepared now to ask only for a written reprimand be placed against this permit. He said he would like to explain to the Commission what has occurred. He said Mr. Galli is a very old permit holder. He said in about 1981 there was a similar problem with him and he turned over the management of the permit to a Mr. Thomas Muir who is present this evening. In February of this year Mr. Galli who had lived in the city, moved to Sonoma and Mr. Muir also changed his address and their telephone numbers and failed to notify the Department of those changes. He said as a result the Department was unable to get in touch with either of them. He said the notices from the Department which were sent by mail with respect to the Hearing before the Deputy Chief were not received either and consequently the Hearing was held without hearing the other side of the story. He said when the going gets rough then people start to show up and now the Department has an explanation of the situation. Mr. Wilson said the Department thinks that since Mr. Galli is now in compliance a reprimand is appropriate.

Commission Giraudo then asked what would be appropriate, a written reprimand from the Chief or from the Police Commission?

Mr. Wilson in response said it would be appropriate for it to come from the Commission as the Commission is the granting authority.

Commissioner Sanchez said he would make a motion that the Commission adopt the Deparrment's recommendation pertaining to a letter of Reprimand and that Lieutenant Frazier be directed to prepare the letter for the President. Commissioner Nelder seconded and it was unanimously approved.

RESOLUTION NO. 862-87

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION REVOKE TAXICAB PERMIT HELD BY MR. JOSEPH GALLI

WHEREAS, the date for the hearing on the recommendation of the Chief of Police that the Police Commission revoke Taxicab Permit T-100 held by Mr. Joseph Galli was called it having been set for this date, and

WHEREAS, Mr. Lawrence Wilson of the Department's Legal Office, presented the matter to the Police Commission for their consideration and said the Department is now prepared to ask only that a written reprimand be given to Mr. Galli; and

WHEREAS, in explaining the reason for changing the recommendation for revocation, Mr. Wilson said that Mr. Galli was a very old permit holder who had similar problems in 1981 and at that time turned over the management of the permit to a Mr. Thomas Muir who is present at the Commission meeting tonight; and

WHEREAS, Mr. Galli who had lived in the City moved, and Mr. Muir, Manager of Mr. Galli's permit, also changed his address and telephone number but failed to notify the Department, negating the Department's efforts to notify them of the pending hearing for Police Code violations before the Deputy Chief of Police; and

WHEREAS, continuing efforts by the Department subsequently reached Mr. Galli and his manager, Mr. Muir, informing them of the pending action of possible revocation of Mr. Galli's permit by the Police Commission on Thursday, July 30, 1987, and

WHEREAS, prior to tonight's hearing of the Police Commission, Mr. Wilson of the Legal Office said that Mr. Galli is now in compliance with all of the requirements of the Code and the Department, and after discussion with the Chief of Police the Chief feels that a written reprimand from the Police Commission would be appropriate; therefore be it

RESOLVED, that the Police Commission does hereby dismiss revocation proceedings against Mr. Joseph Galli's taxicab permit, and in line with the recommendation of the Chief of Police and Mr. Lawrence Wilson of the Department's Legal Office does hereby reprimand Mr. Joseph Galli for his failure to comply with the requirements as outlined by the Chief of Police in the complaint prepared by the Permit Section and the facts and results of the Chief's permit hearing.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

PUBLIC HEARING ON REVISED DEPARTMENT GENERAL ORDER D-4, "ALCOHOL/DRUG ABUSE BY MEMBERS"

Commissioner Giraudo said he would entertain a motion to continue this matter until the 13th of August. He said after reviewing the proposed amendments he said it became obvious that the Commission as to the meaning of some of the definitions and some of the standards that were set within this amendment. He said so the Commission is going to ask Dr. Baselt to come and publicly explain the order and respond to questions that the Commission has and then schedule thereafter a vote as to whether or not the Commission will approve the General Orders which was pointed out that includes #10 also.

Commissioner Nelder said he would make a motion to continue items #9 and 10 for two weeks. Seconded by Commissioner Owens and unanimously approved.

PUBLIC HEARING ON NEW DEPARTMENT GENERAL ORDER D-18, "USE OF DRUGS BY SWORN OFFICERS"

Continued in two weeks.

RESOLUTION NO. 863-87

RESETTING OF DATE FOR HEARING OF POLICE OFFICER MICHAEL J. WALSH, RICHMOND STATION

WHEREAS, the date for the resetting of the hearing of the disciplinary charges filed against Police Officer Michael J. Walsh, Richmond Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Terence Hallinan, Attorney at Law, representing the Defense, that the date for the hearing of Police Officer Michael J. Walsh be reset for October 1, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Michael J. Walsh, Richmond Station, is scheduled for Thursday, October 1, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 864-87

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF DISCIPLINARY CHARGES - POLICE OFFICER WALTER L. PINOSKY, CENTRAL STATION

WHEREAS, Police Officer Walter L. Pinosky, Central Station, was suspended without pay effective 1430 hours on May 22, 1987, pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Walter L. Pinosky has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Walter L. Pinosky, Central Station, be placed on Leave of Absence Without Pay at his request for a period of sixty-five (65) days commencing July 22, 1987 through September 24, 1987, inclusive, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 865-87

RESETTING OF DATE FOR HEARING OF POLICE OFFICER WALTER L. PINOSKY, CENTRAL STATION

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of Police Officer Walter L. Pinosky be reset for September 24, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Walter L. Pinosky, Central Station, is rescheduled for Thursday, September 24, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 861-87

REQUEST OF THE CHIEF FOR APPROVAL OF A SUPPLEMENTAL APPROPRIATION AMOUNTING TO $3,081,131 TO ADJUST UNIFORMED SALARY RATES FOR THE 1987-88 FISCAL YEAR.

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to $3,081,131 to adjust uniformed salary rates by 2.2% for the 1987-88 Fiscal Year, retroactive to July 1, 1987, as mandated by City Charter Section 8.405.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 866-87

HEARING OF POLICE OFFICER MAURICE E. EDWARDS, POTRERO STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Maurice E. Edwards, Potrero Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by the Police Commission that the hearing be continued for resetting on August 6, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Maurice E. Edwards, Potrero Station, is hereby continued for resetting on Thursday, August 6, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF POLICE OFFICER RONALD HOLLINS, SOUTHERN STATION (CONTINUED FROM MEETING OF JULY 23, 1987)

The hearing of the appeal of the Chief's suspension of Police Officer Ronald Hollins, Southern Station, was called it having been continued from the meeting of July 23, 1987.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Ronald Hollins appeared in person and was represented by Mr. Clifton Jeffers, Attorney at Law.

The following named witnesses appeared for the Defense, were sworn and testified:

Police Officer James Jones, Company B
Captain Frank Dunn, San Francisco Para-Medic, San Francisco Fire Department
Officer Victor Arrabollo, Company B
Officer Julian Hill, Company B
Officer Rosalind Reed, Company B
Inspector Michael Maloney, Records Report Review
Inspector Prentice Sanders, Homicide Detail

The hearing was then continued to Thursday, August 6, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

(The entire proceedings were taken in shorthand form by Ms. Connie McCarthy, CSR.)

Recess taken during the hearing of Officer Ronald Hollins:

8:10 p.m. to 8:31 p.m.

HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF POLICE OFFICER JAMES D. JONES, SOUTHERN STATION (CONTINUED FROM MEETING OF JULY 23, 1987)

The hearing of the appeal of the Chief's suspension of Police Officer James D. Jones, Southern Station, was called it having been continued from the meeting of July 23, 1987.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer James D. Jones appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

The following named witnesses appeared for the Defense, were sworn and testified:

Police Officer James Jones, Company B
Captain Frank Dunn, San Francisco Para-Medic, San Francisco Fire Department
Officer Victor Arrabollo, Company B
Officer Julian Hill, Company B
Officer Rosalind Reed, Company B
Inspector Michael Maloney, Records Report Review
Inspector Prentice Sanders, Homicide Detail

The hearing was then continued to Thursday, August 6, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

(The entire proceedings were taken in shorthand form by Ms. Connie McCarthy, CSR.)

Recess taken during the hearing of Officer James D. Jones:

8:10 p.m. to 8:31 p.m.

The Police Commission, thereafter, observed a moment of silence in memory of Mrs. Ann Goad, wife of Police Captain Donald Goad, and adjourned at 9:25 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

≡Minutes

AUGUST 6, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Thursday, August 6, 1987 at 1700 hours in a Special Meeting.

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1. Attorney-Client Conference.

Commissioner Nelder presiding.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

AUGUST 6, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, August 6, 1987 at 1730 hours in a Regular Meeting.

Commissioner Nelder presiding.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

APPROVAL OF MINUTES OF SPECIAL MEETING OF MAY 20, 1987

Approval of Minutes of Special Meeting of May 20, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claim against City and County of San Francisco:

RESOLUTION NO. 869-87

WAYNE JEFFERSON vs. CITY and COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Wayne Jefferson in Superior Court No. 835-036, entitled "Wayne Jefferson vs. City and County of San Francisco, et al" in the sum of $2,500.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 7, 1984

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

POLICE COMMISSION REPORT

Commissioner Nelder announced this date that the Commission met in Closed Session this date and no vote was taken.

(a) PUBLIC COMMENTS

Ms. Dolores McMurray said she had a complaint for the OCC against an Officer by the name of Eddie Callejas for when he harrassed her family. She said she called the OCC and it still continues after two years and that she also called his watch Commander and they still get harrassed.

Mr. Dan Silva, Acting Director of the OCC, said that there had been a number of complaints filed and one is currently under investigation.

Commissioner Nelder said to Ms. McMurray that he felt it would be appropriate for her to wait until Mr. Silva completes his report to the Police Commission and then Mr. Silva will accept her current complaint to the Commission and thereafter respond as to what action will be taken.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had one item and that has to do with the Golden Gate Park rapist who has been taken into custody by two off duty Mounted Unit Police Officers who were driving through the Park around 5:30 in the afternoon yesterday and observed based on this composite drawing of a fascimile of the individual, the rapist who as it turned out after questioning did break and run. And after the Officers apprehended him he had teeth marks on his hand which tied in with one of the victims who said she had bit him on the hand. Also he said the suspect has been identified by two of the three victims and the third victim is out of town at this point. He said the Department has not had a chance to have a line up for her to identify this individual at this time. The Chief said the suspect also has a past history of crimes of this nature. He is currently on parole from Sacramento where he was involved in a burglary and a sexual assault there. He arrived in San Francisco around the 5th of July and he registered as a sex offender here in San Francisco and on the 11th of July the Rapes started. So, the Chief said, it is an indication of some of the problems of law enforcement where there is a parolee who violates his parole and in just a matter of a short period of time he is involved in serious felonies again.

Commissioner Nelder said the Commission wants to commend the Department on the action taken to bring this suspect into custody because it had all the appearances of a one man crime wave developing out there.

Chief Jordan said he would like to publicly compliment Officers Dennis Carlomagno and Ron Artale who on their own time did see the suspect and at the time he was pursuing another female victim who knew she was being followed.

O.C.C. DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Dan Silva said that several weeks ago he requested before the Commission to remove the nomenclature of "Professional Standards Agency" from all OCC material which was approved.

He said at that time he was under the impression that the posters that was put up on the MUNI buses had ceased to exist due to the original contract which was for 120 days but they have received several phone in complaints in the last couple of weeks that they are still up in some of buses. He said at this time he is requesting the Commission's permission to send a letter to MUNI tomorrow instructing them to take all of the posters down. He said the posters in question discusses street crime, drug abuse, graffiti, and child abuse and they were all a part of public relations campaign. He said the nature of the complaints were basically that they, OCC, should not be attempting to recruit compliments for the San Francisco Police Department and that the OCC should not be using the OCC monies to stop street crime as that is what the San Francisco Police Department should do.

Chief Frank Jordan said he had no problem in that if the 120 days had not as yet expired he had no problem with leaving them up as a crime prevention mechanism to help for community awareness. He said he did not know what would be resolved other than the fact than to have them come down is just a little bit less of publicity for the Police Department at this point but if it is helpful to the OCC and would put them in a category where they feel they should not be publicizing crime prevention techniques for the Police Department he had no objection to it. He said just that if it is there and it is expended beyond the 120 days and the Department is getting free advertising he has no problem with it.

Mr. John Crew of the American Civil Liberties Union (ACLU) said he had a brief comment in that the generally would agree but the problem is causing damage and the damage here is the OCC's credibility. He said he felt everyone has a long job to rebuild the OCC and to improve it and calling to mind there was some controversy, early on, about these signs and even now to the extent where people are still being confused when they get on a bus as to what the real job of the OCC is. He said as much as more street crime publicity is needed the cost is public confusion about this agency so the ACLU would encourage that the signs be brought down as soon as possible.

Commissioner Owens said she would make a motion that Mr. Silva, as Acting Director of the OCC, write a letter to MUNI requesting that the sign be removed. Commissioner Sanchez said he would second the motion. Commissioner Nelder said he felt it makes a great deal of sense in that the fact there is confusion and that the whole concept, the whole idea of OCC, is to accept complaints where Complaints are warranted. He said he felt it was misleading people into not knowing whether its a Complaint or a Compliment Bureau and he would therefore call for the vote. The motion was thereafter unanimously approved.

Mr. Silva in continuing with his report said the Commission was in possession of the City Attorney's Opinion and that Mr. Tom Owen of the City Attorney's Office was present to speak on the subject of custody and control of the OCC files. He said he believed that the Opinion states quite clearly that the files are considered to be personnel records of the San Francisco Police Department in the San Francisco Police Commission's control and that the City Attorney's Opinion states to best serve the confidentially of those files that they be housed at the offices of the OCC under the OCC's control. He said there is a stipulation in the Opinion that the OCC should develop along with the Chief's Office, written guidelines to show how those records are to be accessed and when they will be accessed and comback to the Commission with that plan for the Commission's approval prior to removing the files.

Commissioner Sanchez said he would make a motion to adopt a resolution which the Police Commission directs the Chief and the Director of OCC and City Attorney to come to a consensus along with a working definition defining both the area and the jurisdiction which has been questionable over the last few years. Commissioner Owens said she would second that motion and it was unanimously approved.

PUBLIC HEARING ON PROPOSED REVISION OF GENERAL ORDER L-1, "CITIZEN COMPLAINTS AGAINST SWORN MEMBERS"

Acting Director of OCC Dan Silva advised the Commission that this was simply a request that instead of an OCC Investigator going to all of the units in the Police Department on Fridays to pick up copies of the complaints that they be forwarded by the Captain to the OCC. He said also he has had a discussion with Mr. Bob Barry who is requesting a meet and confer session before this revision is adopted, and he said, he indicated to Mr. Barry that he had no problems with that and so he would ask that the Commission delay the matter for one week until he has met and conferred with Mr. Barry. Commissioner Sanchez moved to continue it for one week in accordance with Mr. Silva's request. Commissioner Owens seconded and it was unanimously approved.

PUBLIC HEARING ON REVISED DEPARTMENT GENERAL ORDER D-7, "BOOKING PROCEDURES"

Lieutenant Ed Pecinovsky said this revision adds to the existing procedures allowing for making arrest for drunk in public it makes it a department policy to allow for those persons who request a test for being drunk to be able to have one. He said this is being incorporated because back in 1985, the Superior Court ordered the Department to make those test available to members of the public. He said it was done at that time by a Special Order which expired and the Order now makes it a permanent policy. Commissioner Owens said she would make a motion to adopt this proposal. It was seconded by Commissioner Sanchez and unanimously approved.

RESOLUTION NO. 870-87

REVISION OF DEPARTMENT GENERAL ORDER D-7, "BOOKING PROCEDURES"

RESOLVED, that the Police Commission hereby approves the revision of General Order D-7, "Booking Procedures".

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RECOMMENDATIONS OF THE AWARDS COMMITTEE

Lieutenant Willie Frazier said at a meeting of the Awards Committee held on Friday, July 31, 1987, Chaired by Deputy Chief Victor Macia, members of the Police Department were granted Medal of Valor and Meritorious Conduct Awards. A GOLD MEDAL OF VALOR was awarded to Police Officer William D. Langlois, three (3) Silver Medals were awarded, nineteen (19) Bronze Medals and twenty-three (23) Meritorious Conduct Awards were also granted. Officer Langlois was granted, by unanimous acclaim of the Awards Committee, a Gold Medal for his outstanding work in the Department's Decoy Operation and because of injuries he received, the Awards Committee recommends to the Police Commission that he be granted a monetary award of one month's salary.

Chief Frank Jordan said this is a highly unusual case where Office Bill Langlois was involved in numerous arrest of suspects where he himself was the victim over 240 times. He said his conviction rate of suspects has been 99% and they are all winding up with hard time. He said the Officer, in being victimized himself, has taken a great deal of punishment. He said many times this is while he was being faced with a knife or a gun or being knocked to the ground. The Chief said that the Department felt that because of the composite of all of the cases he had been handling that a Gold Medal would be certainly something that he deserved but as this is something out of the ordinary especially with the injuries involved they would like to see him receive the one month's salary instead of the $500.00 you would normally receive with the Gold Medal.

Commissioner Nelder said there is a provision in the Charter for this to be issued so he would strongly recommend that Officer Langlois be so recognized and that one month's salary be awarded. Commissioner Sanchez said he would move that the recommendation of the Chair be accepted. He said the Awards Committee looked at the criteria for the awarding of the Gold which is the highest in the Department. He said this Officer has been put into death threatening situations not on just one occasion but over a series of occasions and has continued to go back out there. He said he therefore felt that it fits into the Commission criteria to award him the one month's salary. Commissioner Owens said she would second the motion by Commissioner Sanchez. It was thereafter unanimously approved. The Commission then set October 7, 1987 for the presentation of these awards.

RESOLUTION NO. 871-87

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order O-5, Section 1-A and 1-B of the San Francisco Police Department, as approved by the Awards Committee on Friday, July 31, 1987; and

WHEREAS, Chief of Police Frank M. Jordan has recommended to the Police Commission that said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Police Officer William D. Langlois is hereby awarded by unanimous acclaim the Gold Medal of Valor under said Section of the Charter, and is granted a monetary reward of one month's salary; and be it further

RESOLVED, THAT Police Officer Leanna M. Dawydiak, Police Officer Randy Flannery and Police Officer Robin Matthews, be, and they are hereby awarded Silver Medals of Valor and granted a reward of $300.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Sergeant Frank McDonagh; Inspector David Suyehiro; Police Officer Andrew Blackwell; Police Officer Peter Busalacchi; Police Officer Vincent T. Cantillon; Police Officer Ernest Chapman; Police Officer Daniel Falzon; Police Officer Antonio Flores; Police Officer John Haggett; Police Officer Martin Kilgariff; Police Officer Kevin Martin; Police Officer Michael Niland; Police Officer David Oberhoffer; Police Officer John Page; Police Officer Robert D. Puccetti; Police Officer Steve Quon; Police Officer Anthony Rodriquez; Police Officer Edward M. Rodriquez and Police Officer Leslie Tom, be, and they are hereby granted Bronze Medals of Valor and granted a reward of $150.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Sergeant Raymond M. Colla; Inspector Leon J. Crouere; Inspector Daniel J. Foley; Inspector Timothy Foley; Inspector Richard Gamble; Inspector Stephen Gudelj; Inspector John Hennessey; Inspector Olav Hindahl; Inspector Marion Jackson; Inspector Gary Jiminez; Inspector Calvin Nutting; Inspector Armond Pelisetti; Inspector Mark Potter; Inspector Timothy L. Simmons; Police Officer Donald Ciardella; Police Officer Wayne Hom; Police Officer Raymond Kilroy; Police Officer Vincent Neeson; Police Officer Bruce Meadors; Police Officer Richard L. Moses; Police Officer Steven Ratto; Police Officer Felix Thieu and Police Officer Jeremy Zatkin, be, and they are awarded awarded Meritorious Conduct Awards and granted a reward of $150.00 each, as provided for under said Section of the Charter.

AYES: Commissioners Owens, Nelder, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 876-87

RECOMMENDATIONS OF THE AWARDS COMMITTEE - APPROVED

RESOLVED, that the following named members of the Police Department, be, and they are hereby granted Awards of Valor -- Gold Medal, Silver Medal, Bronze Medal and Meritorious Conduct Award, under the provisions of General Order O-5, Section 1-A and 1-B of the San Francisco Police Department, as approved by the Awards Committee on Friday, July 31, 1987.

GOLD

*Police Officer William D. Langlois

SILVER

Police Officer Leanna M. Dawydiak
Police Officer Randy Flannery
Police Officer Robin Matthews

BRONZE

Sergeant Frank McDonagh
Inspector David Suyehiro
Police Officer Andrew Blackwell
Police Officer Peter Busalacchi
Police Officer Vincent T. Cantillon
Police Officer Ernest Chapman
Police Officer Daniel Falzon
Police Officer Antonio Flores
Police Officer John Haggett
Police Officer Martin Kilgariff
Police Officer Kevin Martin
Police Officer Michael Niland
Police Officer David Oberhoffer
Police Officer John Page
Police Officer Robert D. Puccetti
Police Officer Steve Quon
Police Officer Anthony Rodriquez
Police Officer Edward M. Rodriquez
Police Officer Leslie Tom

MERITORIOUS CONDUCT AWARD

Sergeant Raymond M. Colla
Inspector Leon J. Crouere
Inspector Daniel J. Foley
Inspector Timothy Foley
Inspector Richard Gamble
Inspector Stephen Gudelj
Inspector John Hennessey
Inspector Olav Hindahl
Inspector Marion Jackson
Inspector Gary Jiminez
Inspector Calvin Nutting
Inspector Armond Pelisetti
Inspector Mark Potter
Inspector Timothy L. Simmons
Police Officer Donald Ciardella
Police Officer Wayne Hom
Police Officer Raymond Kilroy
Police Officer Vincent Neeson
Police Officer Bruce Meadors
Police Officer Richard L. Moses
Police Officer Steven Ratto
Police Officer Felix Thieu
Police Officer Jeremy Zatkin

*Officer Langlois was granted, by unanimous acclaim, a Gold Medal for his work in the Decoy Operation, and because of injuries received, the Awards Committee recommends to the Police Commission that he be granted a monetary award of one month's salary.

RESOLUTION NO. 872-87

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - RECRUIT OFFICER DESIREE T. GARRICK, POLICE ACADEMY

WHEREAS, Recruit Officer Desiree T. Garrick, Police Academy, was suspended without pay effective 1300 hours on March 26, 1987, pending hearing of charges before the Police Commission; and

WHEREAS, Recruit Officer Desiree T. Garrick has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Recruit Officer Desiree T. Garrick, Police Academy, be place on Leave of Absence Without Pay at her request for a period of ninety (90) days commencing July 30, 1987 through October 27, 1987, inclusive, be, and the same is hereby approved.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 875-87

HEARING OF POLICE OFFICER DEBORAH E. FRANKS, POTRERO STATION

WHEREAS, on March 11, 1987, Frank M. Jordan, Chief of Police, made and served charges against Police Officer Deborah E. Franks, Potrero Station, as follows:

SPECIFICATION NO. 1

Possessing or using controlled substances as defined under the California Uniform Controlled Substances Act (violation of Rule IV, subsection C, of General Order D-4 of the San Francisco Police Department).

and

WHEREAS, the Police Commission set Thursday, August 6, 1987, as the date for the hearing on charges filed against Police Officer Deborah E. Franks; and

WHEREAS, Chief of Police Frank M. Jordan announced that the Police Department was in receipt of the resignation of Police Officer Deborah E. Franks from the San Francisco Police Department, said resignation effective close of business August 6, 1987, which resignation was accepted with the condition that the services of Police Officer Deborah E. Franks have been unsatisfactory and that she does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Deborah E. Franks, be, and the same are hereby continued off calendar.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 867-87

NOTIFICATION AND FILING OF CHARGES AGAINST PROBATIONARY POLICE OFFICER JAMES LEWIS, POTRERO STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Probationary Police Officer James Lewis, Potrero Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Deparment);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior officer truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Probationary Police Officer James Lewis, Potrero Station, is scheduled for Thursday, August 13, 1987 at 5:30 p.m. at Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 868-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER JEAN J. POWERS, INGLESIDE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Jean J. Powers, Ingleside Station, as follows:

SPECIFICATION NO. 1

Failure to obey the lawful order of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department, or which reflects discredit upon the Department (violation of rule A-9 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Jean J. Powers, Ingleside Station, is scheduled for Thursday, August 13, 1987 at 5:30 p.m. at Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

HEARING OF POLICE OFFICER MAURICE E. EDWARDS, POTRERO STATION

The hearing of the disciplinary charges filed against Police Officer Maurice E. Edwards, Potrero Station, was called it having been set for this date.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Maurice E. Edwards appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

Opening statements were reserved by both the Defense and Prosecution until trial de novo commences.

The following named witness appeared for the Prosecution, was sworn and testified:

Mrs. Jerri Wells, American Building Maintenance

Thereafter, the hearing was continued to Thursday, October 15, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Recess taken during the hearing of Officer Maurice E. Edwards:

6:52 p.m. to 7:00 p.m.

HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF POLICE OFFICER RONALD HOLLINS, SOUTHERN STATION (CONTINUED FROM MEETING OF JULY 30, 1987)

The hearing of the appeal of the Chief's suspension of Police Officer Ronald Hollins, Southern Station, was called it having been continued from the meeting of July 30, 1987.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Ronald Hollins appeared in person and was represented by Mr. Clifton Jeffers, Attorney at Law.

The following witness was recalled by the Defense:

Officer Ronald Hollins, Company B

The following named witness appeared for the Prosecution, was sworn and testified:

Sergeant George Carrington, Company B

Closing statements were made by both Mr. Michael Gash and Mr. Clifton Jeffers.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 873-87

DECISION - HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER RONALD HOLLINS, SOUTHERN STATION

It is the decision of the Commission that the Chief's suspension of Officer Ronald Hollins for four (4) working days is sustained. Officer Hollins is currently on leave from the Department, and upon his return the four (4) working days of suspension will be determined by his Commanding Officer who shall notify the Police Commission, Payroll and Personnel as to when Officer Hollins' four (4) working days suspension will commence.

Recesses taken during the hearing of Officer Ronald Hollins:

7:18 p.m. to 7:30 p.m.
9:56 p.m. to 10:38 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF POLICE OFFICER JAMES D. JONES, SOUTHERN STATION (CONTINUED FROM MEETING OF JULY 30, 1987)

The hearing of the appeal of the Chief's suspension of Police Officer James D. Jones, Southern Station, was called it having been continued from the meeting of July 30, 1987.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer James D. Jones appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

The following witness was recalled by the Defense:

Officer Ronald Hollins, Company B

The following named witness appeared for the Prosecution, was sworn and testified:

Sergeant George Carrington, Company B

Closing statements were made by both Mr. Michael Gash and Mr. Stephen Whitmore.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 874-87

DECISION - HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER JAMES D. JONES, SOUTHERN STATION

It is the decision of the Commission that the Chief's suspension of Officer James D. Jones for ten (10) working days for an incident occurring on November 11, 1986, and for two (2) working days suspension he received on October 1, 1986 for a similar incident, for a total of twelve (12) working days is sustained. The twelve (12) days of suspension shall be as follows:

> Friday, August 7; Monday, August 10; Tuesday, August 11; Wednesday, August 12; Thursday, August 13, and Friday, August 14; Monday, August 17; Tuesday, August 18; Wednesday, August 19; Thursday, August 20; Friday, August 21; and Saturday, August 22nd.

He shall return to duty Saturday, August 22nd at 2300 hours.

Recesses taken during the hearing of Officer James D. Jones:

> 7:18 p.m. to 7:30 p.m.
> 9:56 p.m. to 10:38 p.m.

> (The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 10:47 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

Minutes

SEPTEMBER 18, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Friday, September 18, 1987 at 4:30 p.m. in a Special Meeting.

1. Personnel Matter

Commissioner Giraudo presiding.

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SEPTEMBER 18, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Friday, September 18, 1987 at 5:00 p.m. in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

APPROVAL OF MINUTES OF SPECIAL MEETING OF JUNE 2, 1987 and MEETING OF JUNE 4, 1987

Approval of Minutes of Special Meeting of June 2, 1987 and Meeting of June 4, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1043-87

MARY ANNE BROWN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Anne Brown in the sum of $140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 13, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1044-87

ALEXANDRA KARAM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alexandra Karam in the sum of $140.00 as a result of a faulty tow, be, and the same is hereby approved.

RESOLUTION NO. 1067-87

JENNIFER HARRIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jennifer Harris in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 2, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1068-87

YONG IM

RESOLVED, that the recommendation of the City Attorney for settlement of the City Attorney for settlement of the claim of Yong Im in the sum of $99.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 28, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1069-87

EDWARD LEW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edward Lew in the sum of $98.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1070-87

YELLOW CAB CO-OP, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-op, Inc. in the sum of $98.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 29, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1071-87

ELIZABETH TARRANT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth Tarrant in the sum of $98.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 10, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1045-87

SYLVESTER POLLARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sylvester Pollard in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1046-87

MICHAEL FAW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Faw in the sum of $121.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 20, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1047-87

VAN TOAI TRAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Van Toai Tran in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1048-87

JOSEPHINE TADROS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Josephine Tadros in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 28, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1049-87

EDWARD OERTEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edward Oertel in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 31, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1050-87

WALTER CHENG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Walter Cheng in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 5, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1051-87

JERENE S. BROADWAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jerene S. Broadway in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 7, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1052-87

GINO BELTRANI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gino Beltrani in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 30, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1053-87

MINH KHAC HUYNH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Minh Khac Huynh in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 30, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1054-87

MARK WARNOCK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Warnock in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 10, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1055-87

JONES, ERNEST

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jones, Ernest in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1056-87

MARCY WILDER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marcy Wilder in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 10, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1057-87

ANDEE ROBERT RUBI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andee Robert Rubi in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 7, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1058-87

ARMANDO E. SARMIENTO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Armando E. Sarmiento in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1059-87

LUCIA B. SAENZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lucia B. Saenz in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 7, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1060-87

UGO QUEZADA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ugo Quezada in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1061-87

DIANE NEWELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Diane Newell in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1062-87

FRANK LEYKAMM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank Leykamm in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1063-87

THOMAS K. MACDONALD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas K. MacDonald in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 5, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1064-87

MELANIE AUSTIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Melanie Austin in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1065-87

MARK CARRABELLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Carrabello in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 1, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1066-87

JESUS GARCIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jesus Garcia in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 5, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

Date of Incident: July 1, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1072-87

KRISTI PEARSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kristi Pearson in the sum of $95.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 29, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1073-87

PAUL GLANCY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul Glancy in the sum of $88.80 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 10, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1074-87

AI VAN LU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ai Van Lu in the sum of $87.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1075-87

TOM MARTIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tom Martin in the sum of $86.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 22, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1076-87

DENISE JONES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Denise Jones in the sum of $86.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 20, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1077-87

FRANK BROWN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank Brown in the sum of $86.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 3 through June 5, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1078-87

KAREN J. BRAAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen J. Braas in the sum of $86.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 1, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1079-87

ABIGAIL GARCIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Abigail Garcia in the sum of $86.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 22, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1080-87

MARLENE SCHMITZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marlene Schmitz in the sum of $86.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 27, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1081-87

MIGUEL RODRIGUEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Miguel Rodriguez in the sum of $82.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1082-87

MARK ULRIKSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Ulriksen in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 10, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1083-87

PAULINE M. PEOPLES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pauline M. Peoples in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1084-87

JAMES P. O'BRIEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James P. O'Brien in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1085-87

ANGEL ESCAMILLA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Angel Escamilla in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1086-87

THEODORE F. LINO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Theodore F. Lino in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 7, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1087-87

KURT NIVER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kurt Niver in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1088-87

ROBERT L. ISIAC

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert L. Isiac in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1089-87

ROBERT W. REINHEIMER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert W. Reinheimer in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 24, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1090-87

STEPHEN RUNNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephen Rungg in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1091-87

JULIE STAROBIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Julie Starobin in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1092-87

JOHN EVANS for OCEAN CITY RESTAURANT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Evans for Ocean City Restaurant in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1093-87

DOROTHY LEE JAYMES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dorothy Lee Jaymes in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1094-87

BARBARA LAMBERTO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara Lamberto in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 30, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1095-87

DARRELL PARENT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Darrell Parent in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 13 or July 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1096-87

MARY PAT O'HARA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Pat O'Hara in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 27, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1097-87

MICHAEL B. MATTIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael B. Mattis in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Unstated

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1098-87

GARY RICHMOND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gary Richmond in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1099-87

MARTHA STODDARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Martha Stoddard in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 11, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1100-87

NORMAN SIEGLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Norman Siegler in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 11, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1101-87

VICKI ALUMBAUGH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Vicki Alumbaugh in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1102-87

EMERY L. HUEBERT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Emery L. Huebert in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1103-87

VICTOR LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Victor Lee in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1104-87

DON E. PETERSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Don E. Petersen in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 15, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1105-87

SYLVIA PORTILLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sylvia Portillo in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 28, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1106-87

MARIA A. QUIROGA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maria A. Quiroga in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 7, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1107-87

ROBERT RAMOS, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Ramos, Jr. in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 14, 1987 (Hearing Date)

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1108-87

MARLENE SCHMITZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marlene Schmitz in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1109-87

SUSAN JAITE WISLAND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan Jaite Wisland in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 8, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1110-87

LEWIS JORDAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lewis Jordan in the sum of $76.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 31, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1111-87

SUZANNE FRIEND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Suzanne Friend in the sum of $76.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 30, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1112-87

JOHN SPOSATO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Sposato in the sum of $75.35 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 24, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1113-87

DAVID HOLMQUIST

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Holmquist in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1114-87

JAMES GOODELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Goodell in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1115-87

ROBERT A. BROWN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert A. Brown in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 24, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1116-87

ANTHONY M. FEGAN & ANGELA M. MURRAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anthony M. Fegan & Angela M. Murray in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 4 through June 16, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1117-87

STEPHEN ANTONAROS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephen Antonaros in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 2, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1118-87

DAVID STRATTA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Stratta in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1119-87

LOURDES TORRES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lourdes Torres in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 11, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1120-87

MARY G. CAHOUET

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary G. Cahouet in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

He said since they do not come under the same category as Q2 police officers they are not recognized by POST. He said this action would allow them to received that recognition and allow them to obtain the necessary qualifying certificates. Commissioner Sanchez said he would move for approval. It was seconded by Commissioner Owens and unanimously approved.

RESOLUTION NO. 1038-87

PROPOSED AMENDMENT TO SECTION 16.9-2 OF THE SAN FRANCISCO ADMINISTRATIVE CODE RELATING TO CERTIFICATION OF OFFICERS BY THE CALIFORNIA COMMISSION ON PEACE OFFICERS STANDARDS AND TRANING (P.O.S.T.)

WHEREAS, the San Francisco Police Department participates in certification programs of peace officers in accordance with regulations established by the California Commission on Peace Officer Standards and Training; and

WHEREAS, former Housing Police Officers are currently being processed through the San Francisco Police Academy and receiving 560 hours of training; and

WHEREAS, P.O.S.T. has established certificate programs which apply to said Housing Police Officers; and

WHEREAS, the Police Department seek to recognize the degree of training received at the Police Academy by said Housing Police Officers; therefore be it

RESOLVED, that the Police Commission hereby requests the Board of Supervisors to authorize the Chief of Police to seek such recognition certificates as are applicable to those who have participated in the training program of the Police Academy and recognized by P.O.S.T. To this end, the attached amendment to San Francisco Administration Code Section 16.9-2 is submitted to the Board of Supervisors for consideration and passage.

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioners Davis, Nelder

RESOLUTION NO. 1039-87

SETTING OF DATE FOR HEARING OF PROBATIONARY POLICE OFFICER CANDICE E. FUKUNAGA, POTRERO STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Probationary Police Officer Candice E. Fukunaga, Potrero Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Probationary Police Officer Candice E. Fukunaga that the date for the setting of the hearing be continued to September 24, 1987; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Probationary Police Officer Candice E. Fukunaga, Potrero Station, is rescheduled for Thursday, September 24, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioners Davis, Nelder

RESOLUTION NO. 1040-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER RAUL E. MORENO, MISSION STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Raul E. Moreno, Mission Station, was called it having been scheduled for this date; and

WHEREAS, the hearing of Officer Raul E. Moreno on Specification No. 1 was previously set for September 24, 1987, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the hearing for Specification No. 2 be consolided with the hearing on the previous charge; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Raul E. Moreno, Mission Station, is set for Thursday, September 24, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioners Davis, Nelder

RESOLUTION NO. 1042-87

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION GRANT A TAXI MEDALLION PERMIT TO MR. ROBERT L. GRIFFIN

WHEREAS, Robert L. Griffin appeared at a Public Convenience and Necessity hearing held on Friday, September 18, 1987; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Friday, September 18, 1987, based on the record received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of a certain number of motor vehicle for hire permits; and

WHEREAS, prior to the emergence of Proposition K, there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Police Commission, pursuant to Resolution no. 283-84, dated March 29, 1984, has set the number at 761 taxicab permits for the City and County of San Francisco; therefore be it

RESOLVED, that Robert L. Griffin appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Robert L. Griffin.

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioners Davis, Nelder

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION GRANT A TAXICAB MEDALLION PERMIT TO MR. RICH TIMBERLINE

As Mr. Timberline was not present when his name was called, the matter was continued for next week's calendar.

HEARING OF POLICE OFFICER EUGENE M. YOSHII, PROPERTY CONTROL DIVISION (CONTINUED FROM MEETING OF SEPTEMBER 9, 1987)

The hearing of the disciplinary charges filed against Police Officer Eugene M. Yoshii, Property control Division, was called it having been continued from the meeting of September 9, 1987. Police Officer Eugene M. Yoshii was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department or which reflects discredit upon the department (violation of rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Police Officer Eugene M. Yoshii appeared in person and was represented by Mr. Michael Mendelson, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

The following exhibit was entered into evidence by the Prosecution:

Exhibit #3	Memo dated 5/8/87 from Management Control Division to Chief Jordan, Subject: Investigation of a Complaint Against Personnel - Officer Eugene M. Yoshii

The following exhibit was entered into evidence by the Defense:

Exhibit E	Officer Eugene Yoshii's Time Card dated 3/25/87

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, concluding that Specification No. 1 is sustained.

Based on those findings, the Commission requested a recommendation of the Chief that Officer Eugene M. Yoshii be suspended for ninety (90) days.

The Commission again took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 1041-87

DECISION - HEARING OF POLICE OFFICER EUGENE M. YOSHII, PROPERTY CONTROL DIVISION

WHEREAS, on May 20, 1987, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Eugene M. Yoshii as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(1) At all times herein mentioned, Eugene M. Yoshii, Star No. 2222, (hereinafter referred to as "the accused") was and is a Police Officer employed by the San Francisco Police Department. At all times herein mentioned the accused was assigned to Northern Station; however, he is currently assigned to the Property Control Division;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about December 18, 1986, the accused was assigned as a Field Training Officer ("FTO") to train members of the 163rd Police Academy Class;

(4) As a FTO the accused is responsible for training recruit officers who have graduated from the Police Academy;

(5) From about December 18, 1986 until about December 20, 1986, the accused received FTO training at the Police Academy;

(6) On or about December 19, 1986 during FTO training the accused was informed by Lieutenant Robert Berry, Star No. 537, that it was inappropriate for FTOs to have sexual relations with recruits they are training. The FTOs were specifically informed not to have sexual relations with recruits they were training because it would jeopardize the credibility of the individual FTO and the FTO Program. The accused was also informed that if he was to learn of any FTO having a close relationship with a recruit that he was to immediately notify his supervisor;

(7) On or about March 1, 1987, the accused was assigned to train Officer Janet Scarborough, Star No. 1540 of the 163rd Academy Class, who was a recruit trainee;

(8) On or about March 25, 1987, the accused and Officer Scarborough submitted off-setting overtime request cards and reported off-duty approximately three (3) hours before the end of their tour of duty;

(9) The accused and Officer Scarborough went to her residence and they proceeded to the residence of the accused in Walnut Creek. While at the accused's residence in Walnut Creek, the accused sexually mistreated Officer Scarborough;

(10) The accused by engaging in sexual relations with a female officer he was training, after being specifically instructed by Lieutenant Robert Berry not to engage in sexual relations with recruit trainees and sexually mistreating a recruit he was training, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

> Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or any member thereof or that is prejudicial to the efficency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, August 13, 1987; Tuesday, August 25, 1987; Wednesday, September 9, 1987; and Friday, September 18, 1987, and on Friday, September 18, 1987, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the allegations contained in Specification No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, as preferred by the Chief of Police against Police Officer Eugene M. Yoshii are sustained; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Specification No. 1 [penalty]
Termination to be held in abeyance for three years, providing he serve 90 calendar days suspension and no further violations occur

and be it further

RESOLVED, that said suspension totaling ninety (90) calendar days is to be imposed commencing Saturday, September 19, 1987 at 0001 hours and ending Thursday, December 17, 1987 at 2400 hours. He is to return to duty on Firday, December 18, 1987. Any further violation of Rule A-9 of General Order D-1 of a similar nature shall be cause for said order of termination to be automatically imposed.

AYES: Commissioners Giraudo, Owens, Sanchez
ABSENT: Commissioners Davis, Nelder

Commissioner Owens voted for strictly termination with no amelioration.

Recesses taken during the hearing of Officer Eugene M. Yoshii:

6:42 p.m. to 6:49 p.m.
6:55 p.m. to 8:00 p.m.
8:05 p.m. to 9:25 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 9:35 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

≡ Minutes

SEPTEMBER 24, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Thursday, September 24, 1987 at 1700 hours in a Special Meeting.

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Commissioner Giraudo presiding.

1. Attorney-Client Conference
2. Personnel Matter

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

SEPTEMBER 24, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, September 24, 1987 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

APPROVAL OF MINUTES OF MEETING OF JUNE 11, 1987

Approval of Minutes of Meeting of June 11, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1130-87

VICENTE HOJAS vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that judgement made by the City Attorney for the settlement of the litigation of Vicente Bruno Hojas in the sum of $1,506.00 entitled "Vicente Hojas vs. City and County of San Francisco, et al" in Small Claims Court No. 466-370 as a result of damages sustained be, and the same is hereby approved.

Date of Incident: January 6, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1127-87

WILLIAM J. DOUGHERTY vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of William J. Dougherty in the sum of $3,500.00 entitled "William J. Dougherty vs. City and County of San Francisco" in Orange County Superior Court No. 422-411 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 4, 1983

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1128-87

NICHOLAS ROOMEL vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nicholas Roomel vs. City & County of San Francisco, et al in Municipal Court No. 914-737 in the amount of $2,500.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 8, 1986

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1129-87

JENNINGS vs. CITY & COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jennings vs. City and County of San Francisco, et al in Municipal Court No. 920-234 in the sum of $2,000.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 24, 1986

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1131-87

TAURICE DILLARD vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Taurice Dillard vs. City & County of San Francisco in Court No. 843-547 in the sum of 1,000.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 25, 1984

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1132-87

ANTHONY DAVIS vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Anthony Davis vs. City & County of San Francisco, et al in United States District Court No. C87-2213MHP in the sum of $600.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 20, 1986

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1133-87

PINOSKY vs. TYAN CHIN JENG

RESOLVED, that judgement made by the City Attorney for settlement of the litigation of Pinosky vs. Tyan Chin Jeng in Superior Court Nos. 823-227 and 828-004 in the amount of $220.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 12, 1983

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1134-87

ROBERT PRITCHARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Pritchard in the sum of $181.78 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1135-87

BENJAMIN S. THOMAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Benjamin S. Thomas in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1136-87

MARK R. DAVIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark R. Davis in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 16, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1137-87

BEHZAD DAVID NOURAFSHAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Behzad David Nourafshan in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 30, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1138-87

LANE L. BALDWIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lane L. Baldwin in the sum of $110.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 20, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1139-87

JENNIFER ENGLERT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jennifer Englert in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 13, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1140-87

PETER M. HARADA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter M. Harada in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1141-87

WANDA HARRIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wanda Harris in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 6, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1142-87

SHELLIE JO SCOTT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Shellie Jo Scott in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1143-87

ILARA GLAZNAUS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ilara Glaznaus in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 2, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1144-87

MANUEL L. MENDOZA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Manuel L. Mendoza in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 20, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1145-87

JUDITHE NICOLAI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Judithe Nicolai in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 5, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1146-87

JOHN T. RAISIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John T. Raisin in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commmissioner Davis

RESOLUTION NO. 1147-87

CLAIRE A. SINGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Claire A. Singer in the sum of $80.00 as a result of faulty tow, be, and the same is hereby approved.

Date of Incident: July 22, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1148-87

GERALD S. COLVIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gerald S. Colvin in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 16, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1149-87

GREGORY BRAND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gregory Brand in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 8, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1150-87

JOSEPHINE LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Josephine Lee in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 13, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1151-87

WHA JA SONG

RESOLVED, that the recommendation of the City Attorney for settlement of the City Attorney for settlement of the claim of Wha Ja Song in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1152-87

SANDRA E. WILLIAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sandra E. Williams in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 29, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1153-87

ZIRLA ECHEVERRY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Zirla Echeverry in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 1, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1154-87

JOSEPHINE RODRIQUEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Josephine Rodriquez in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1155-87

JAMES A. ROSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James A. Rosen in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1156-87

DAVID G. HOOD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David G. Hood in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 30, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1157-87

REGINA M. MILLS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Regina M. Mills in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1158-87

RAJA PETRAKIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Raja Petrakian in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 20, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1159-87

SANDRA MYERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sandra Myers in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1160-87

JOHN JEZMAJIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Jezmajian in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1161-87

DENNIS LOK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dennis Lok in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 29, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1162-87

RANDY A. MANNING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Randy A. Manning in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1163-87

PETER G. KNADLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter G. Knadler in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1164-87

BRADFORD J. LUNDY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bradford J. Lundy in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1165-87

ANA WANG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ana Wang in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 31, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1166-87

MICHAEL GITTELSOHN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Gittelsohn in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 6, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1167-87

BLAINE LEROY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Blaine Leroy in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 7, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1168-87

BARBARA BROWNE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara Browne in the sum of $69.00 for storage charges, be, and the same is hereby approved.

Date of Incident: June 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commisioner Davis

RESOLUTION NO. 1169-87

R. ERICH K. SCHNEIDER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of R. Erich K. Schneider in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1170-87

MARTIN SCANLAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim fo Martin Scanlan in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1171-87

TRACY LYNNE MERRITT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tracy Lynne Merritt in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 29, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1172-87

ROBERT D. POOR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert D. Poor in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 6, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1173-87

WILLIAM CURTIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Curtin in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 1, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1174-87

DARREN J. LABBE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Darren J. Labbe in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 15, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1175-87

LESLIE ANN STRAW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leslie Ann Straw in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 27, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1176-87

RONALD J. LANG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald J. Lang in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 16, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1177-87

SERGEANT MAJOR BLOCKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sergeant Major Blocker in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 2, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1178-87

ROBERT GETTLE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Gettle in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1179-87

MITCHELL H. SCHERR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mitchell H. Scherr in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 15, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1180-87

GINA FREGOSI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gina Fregosi in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1181-87

JONATHAN ARNOLDY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jonathan Arnoldy in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1182-87

DONALD N. VOLK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donald N. Volk in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 5, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1183-87

O. JOSEPH CALABRESE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of O. Joseph Calabrese in the sum of $65.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1184-87

WILLIAM C. SCHMIDT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William C. Schmidt in the sum of $62.36 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 11, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1185-87

ROBERT KENT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Kent in the sum of $62.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1186-87

THADDEUS R. ZEGEE

RESOLVED, that judgment made by the City Attorney for the settlement of the litigation of Thaddeus R. Zegee in the sum of $59.25 in Small Claims action no. 465-391 as a result of unwarranted towing, be, and the same is hereby approved.

Date of Incident: November 4, 1986

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSNET: Commissioner Davis

RESOLUTION NO. 1187-87

LAURA D. ROBINSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Laura D. Robinson in the sum of $56.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 10, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1188-87

NEMECHAYEFF VADIME

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nemechayeff Vadime in the sum of $46.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1189-87

KATHLEEN SCHUNCK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kathleen Schunck in the sum of $45.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 4, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1190-87

DORMALD J. UMANA RUIZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dormald J. Umana Ruiz in the sum of $40.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 24, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1191-87

YVONNE DiBASILIO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yvonne Dibasilio in the sum of $35.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 5, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1192-87

ABC TOWING (ALPERS, HERBERT)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of ABC Towing (Alpers, Herbert) in the sum of $34.50 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1193-87

JAMES W. KELLY, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James W. Kelly, Jr. in the sum of $30.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 22, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1194-87

STEVEN E. MUNRO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven E. Munro in the sum of $23.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 29, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

POLICE COMMISSION REPORT

Commissioner Giraudo said that there was a personnel matter that was discussed prior to the meeting and no vote was taken. He said also there was an announcement that the Commission has extended an offer and the offer has been accepted for the Directorship of the OCC in the Person of Michael Langer who is a Lieutenant with Skoki, Illinois Police Department and he will report to work on November 2nd of this year. He said the Commission is very happy that he has accepted the position. He said Mr. Langer has been unanimously recommended by the Mayor's Advisory Committee and unanimously accepted by the Police Commission.

Commissioner Owens said she attended a luncheon yesterday that was held for the purpose of promoting Proposition A and this was put together by Lieutenant Suttmeier who she would like to thank for doing so and the Lieutenant made an excellent presentation. She said a number of people from the community attended this luncheon and were also taken on a tour and were quite surprised to see how dismal the Police stations were.

(a) PUBLIC COMMENTS

No public comments at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said in following up on Commissioner Owens' comments, Lieutenant Suttmeier did do an outstanding job including preparing the tour of district stations. He then had Lt. Suttmeier give a brief overview of some of the discussion the Lieutenant presented for the benefit of the business and neighborhood community of San Francisco at the luncheon. The Commission thanked Lt. Suttmeier and then continued with its calendar.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Commissioner Giraudo advised Mr. Silva that the Commission had a number of items he felt needed to be discussed. (1) He said, was the letter from the Police Officers' Association (POA) concerning an incident with OCC investigator, Mr. Alan Houston. Mr. Silva explained that he had known about it has had it investigated and has admonished the investigator for his carelessness. He said he has taken the necessary action to prevent this from occuring again. He said from now on any investigator that finds a need to review a police officer's file shall request, through him, in writing and then he (Silva) would follow through in writing to Lieutenant Tom Murphy of Personnel.

Commissioner Nelder said he felt this would meet the requirements in keeping Officers Personnel files confidential and he would make a motion to accept Mr. Silva's recommendation. Commissioner Sanchez seconded. After listening to objections raised by Mr. Barry, the motion was amended and Commissioner Giraudo said that the Commission now has a motion that formalizes procedures in terms of access to information and also it is coupled with a direction to remove any addresses or phone numbers from any photos that are in the possession of the OCC so that complainants or whomever will not have access to those phone numbers and/or addresses. The motion, seconded by Commissioner Sanchez, was then unanimously approved.

The next letter discussed was one from Mr. Lutes who was the statistician of the OCC. Commissioner Giraudo said the response by the Commission to this letter was two fold. One, Criminality of Defrauding the Department of overtime and comp time. The Commission's postion at that time, he said, and it remains the Commission's position that the Chief along with the District Attorney's Office conduct an investigation with respect to those two particular allegations and not with respect to any of the other allegations that were made in Mr. Lutes' letter. Mr. Silva, he said, was asked to report back to the Commission in writing and in person his response to those allegations which was done today. He said the Commission is now waiting the conclusion of the investigation.

Mr. John Crew of the American Civil Liberties Union (ACLU), said he appreciated the Commission raising the issue but the ACLU still believes it is a unique situation and that some other law enforcement body other than the police department should be doing the investigation.

Commissioner Giraudo then said the Commission had also asked Mr. Silva to respond in writing to the Commission with respect to another OCC employee that contained some allegations regarding her work performance and about some other employees. He said this is pending and he would hope to hear from Mr. Silva on this by next week. He then asked Mr. Silva if he had anything to bring to the attention of the Commission.

Mr. Silva said he had received a communications from a Nelson Employment Agency that the OCC has a back bill for 2,075 dollars and 99 cents for temporary help last December and January of this year. He said this help was essentially for transferring the information from complaints to the multiple cards to the OCC computer system.

Commissioner Giraudo then asked that Mr. Silva come back to the Commission with a report showing what authorization or contracting with this particular agency was done and by whom. Mr. Silva said the last thing he wanted to say was his request for an 1808 management information specialist position relating to the records that OCC is compiling, previously approved by the Commission, has been approved by the Mayor's Office this date.

Commissioner Giraudo then thanked Mr. Silva for his efforts with the OCC and said that Mr. Silva is not in the easiest positions during this period of transition. He said he knows Mr. Silva will welcome the advent of the new Director as well as the Commission does. The Commissioner continued by saying that he hoped that all of these moments of turmoil that seem to keep arising as we wait the arrival of the new Director are taken by Mr. Silva is stride and he knows that it takes its personal toll. He said the Commission intends to continue to give Mr. Silva as much support as it possibly can and to stay in close contact with in him in terms of the workings of the OCC. He said Mr. Silva has assured him that the OCC is functioning that there problems and troubles that have plagued the unit for some time now but that the OCC still continues to take in complaints and conduct investigations and are operating at an adequate level of performance at this particular time.

RESOLUTION NO. 1123-87

SETTING OF DATE FOR HEARING OF PROBATIONARY POLICE OFFICER CANDICE E. FUKUNAGA, POTRERO STATION (CONTINUED FROM MEETING OF SEPTEMBER 18, 1987)

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Probationary Police Officer Candice E. Fukunaga, Potrero Station, was called it having been continued from the meeting of September 18, 1987; and

WHEREAS, it was requested by the Police Commission that the date for the hearing of Probationary Police Officer Candice E. Fukunaga be set for November 19, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Probationary Police Officer Candice E. Fukunaga, Potrero Station, is set for Thursday, November 19, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSOIN GRANT A TAXICAB MEDALLION PERMIT TO MR. RICH TIMBERLINE

Continued to October 1, 1987.

RESOLUTION NO. 1124-87

HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF POLICE OFFICER PHILLIP BURTON, SOUTHERN STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Phillip burton, Southern Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Officer Dan Linehan, Police Officers' Association, representing Officer Phillip Burton, that the date for the hearing be continued to October 29, 1987; therefore be it

RESOLVED, that the date for the hearing on the appeal of the Chief's suspension of Police Officer Phillip Burton, Southern Station, is set for Thursday, October 29, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

POLICE COMMISSION DISCUSSION ON THE CHIEF'S TAXICAB RULES AND REGULATIONS

Continued to October 1, 1987.

DECISION ON PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF TAXICAB PERMITS

Commissioner Giraudo said that there were numerous request made with respect to numbers 11 & 12 because of the Jewish Holiday and will continue these items until next week.

RESOLUTION NO. 1122-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER GLADYS M. GRAY, MISSION STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Gladys M. Gray, Mission Station, as follows:

SPECIFICATION NO. 1

Possessing or using controlled substances as defined under the California Uniform Controlled Substance Act (violation of Section IV.C of General Order D-4 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Gladys M. Gray, Mission Statin, is scheduled for Thursday, October 1, 1987 at 5:30 p.m. at Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

HEARING OF POLICE OFFICER WALTER L. PINOSKY, CENTRAL STATION

The hearing of the disciplinary charges filed against Police Officer Walter L. Pinosky, Central Station, was called it having been set for this date. Police Officer Walter L. Pinosky was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Possessing or using controlled substances as defined under the California Uniform Controlled Substance Act (violation of Section IV.C of General Order D-4 of the San Francisco Police Department);

SPECIFICATION NO. 2

Possessing or using controlled substances as defined under the California Uniform Controlled Substance Act (violation of Section IV.C of General Order D-4 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Walter L. Pinosky appeared in person and was represented by Mr. Robert Barry, Police Officers' Association.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. Robert Barry for the Defense. Mr. Barry made a plea of guilty to all specifications on behalf of Officer Walter M. Pinosky.

Police Officer Walter M. Pinosky requested to make a statement to the Commission, and made a statement in regards to the charges against him and his life in general.

A statement was made by Mr. Jack Johnstone as to Officer Pinosky's character, integrity and feelings for his fellow human being. Mr. Johnstone said this was observed during his lifelong friendship with Officer Pinosky and on occasions when he would walk with him on Officer Pinosky's beat.

Thereafter, Officer Pinosky made a plea of guilty to both specifications.

The Commission unanimously accepted the plea of guilty by Officer Pinosky on both specifications.

Based on those findings, the Commission requested a recommendation from the Chief of Police Frank M. Jordan. It is the recommendation of the Chief that Officer Walter M. Pinosky be terminated.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 1125-87

DECISION - HEARING OF POLICE OFFICER WALTER L. PINOSKY, CENTRAL STATION

WHEREAS, on May 28, 1987, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Walter L. Pinosky as follows:

SPECIFICATION NO. 1

Possessing or using controlled substances as defined under the California Uniform Controlled Substance Act (violation of Section IV.C of General Order D-4 of the San Francisco Police Department);

(1) At all times herein mentioned, Walter L. Pinosky, Star No. 951 (hereinafter referred to as "the accused") was and is a Police Officer employed by the San Francisco Police Department. The accused was assigned to Central Station. However, the accused was suspended from duty on May 22, 1987.

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.

(3) On or about May 20, 1987, at approximately 0145 hours members of the Narcotics Section of the San Francisco Police Department served a search warrant on the residence of the accused;

(4) During the search of the accused's residence, drug paraphernalia was found in the bedroom and a glass tube containing a white powder was found in the accused's jewelry box;

(5) The Criminalistic Division conducted an analysis of the drug paraphernalia and the white powder contained in the glass tube found in the accused's jewelry box. The analysis confirmed that the white powder in the glass tube and the drug paraphernalia contained cocaine residue;

(6) The accused, by having drug paraphernalia and a glass tube in his jewelry box at his residence which contained cocaine residue, has engaged in conduct which constitutes a violation of Section IV.C of General Order D-4 of the San Francisco Police Department, which states:

"A member shall not possess or use any substance, as defined under the California Uniform Substance Act at any time, whether on or off-duty, unless prescribed by a physician."

SPECIFICATION NO. 2

Possessing or using controlled substances as defined under the California Uniform Controlled Substance Act (violation of Section IV.C of General Order D-4 of the San Francisco Police Department).

(7) The allegations contained in Specification No. 1, paragraphs (1) through (6) are hereby incorporated by reference as if fully set forth herein;

(8) On or about May 20, 1987 at approximately 0200 hours, the accused was ordered to submit to a urinalysis. The accused complied with this order.

(9) The toxicological report of the urine sample, provided by the accused on or about May 20, 1987, tested positive for cocaine;

(10) The accused, by having cocaine in his urine, which indicates the use of cocaine, has engaged in conduct which constitutes a violation of Section IV.C of General Order D-4 of the San Francisco Police Department, which states:

"A member shall not possess or use any substance, as defined under the California Uniform Substance Act at any time, whether on or off-duty, unless prescribed by a physician."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on thursday, September 24, 1987, and on Thursday, September 24, 1987, the matter was submitted to the Police commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 and Specification No. 2 as preferred by the Chief of Police against Police Officer Walter L. Pinosky are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these fined, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

Specifications No. 1 and 2 Termination

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Recess taken during the hearing of Officer Walter L. Pinosky:

6:55 p.m. to 7:05 p.m.

HEARING OF POLICE OFFICER RAUL E. MORENO, MISSION STATION

The hearing of the disciplinary charges filed against Police Officer Raul E. Moreno, Mission Station, was called it having been set for this date. Police Officer Raul E. Moreno was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Possessing or using controlled substances as defined under the California Uniform Controlled Substance Act (violation of Section IV.C of General Order D-4 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Raul E. Moreno appeared in person and was not represented by counsel.

Officer Raul E. Moreno made a statement to the Commission on his own behalf and plead no contest to the charges.

An opening statement was made by Mr. Michael Gash for the Prosecution. Mr. Gash requested that Specification No. 2 be handled off calendar.

Commissioner Alfred J. Nelder made a motion to accept the request of Mr. Michael Gash and was seconded by Commissioner Juanita Owens and unanimously approved by the Commission.

The following witnesses were called by the Prosecution, were sworn and testified:

Sergeant William Hardeman, Management Control Division

Dr. Randall C. Baselt, Toxicologist
1167 Chess Drive, Suite E.
Foster City, CA 94404

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 — Letter from Raul Moreno to Marisabel date 5/16/87

Exhibit #2 — Toxicology Report Re Raul Moreno dated 7/9/87

The Commission took the matter under submission, recessed and returned, concluding that Specification No. 1 is sustained.

Based on those findings, the Commission requested a recommendation from the Chief of Police Frank M. Jordan. It is the recommendation of the Chief that Officer Raul E. Moreno be terminated.

The Commission again took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 1126-87

DECISION - HEARING OF POLICE OFFICER RAUL E. MORENO, MISSION STATION

WHEREAS, on July 16 1987, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Raul E. Moreno as follows:

SPECIFICATION NO. 1

Possessing or using controlled substances as defined under the California Uniform Controlled Substance Act (violation of Section IV.C of General Order D-4 of the San Francisco Police Department);

(1) At all times herein mentioned, Raul E. Moreno, Star No. 749 (hereinafter referred to as "the accused") was and is a Police Officer employed by the San Francisco Police Department. The accused was assigned to the Golden Gate Division - Mission Station. However, the accused was suspended from duty on July 9, 1987.

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department.

(3) On or about June 22, 1987, the Management Control Division received information that the accused used marijuana;

(4) On or about June 23, 1987, at approximately 2040 hours, the accused was requested to submit to a urinalysis. The accused complied with this request;

(5) The toxicological report of the urine sample, provided by the accused on or about June 23, 1987, tested positive for cannabinoids. A subsequent test indicated that the accused's urine contained approximately 1162 ng/ml carboxy-thc, which is the active ingredient of marijuana;

(6) The accused, by having carboxy-thc in his urine, which indicates the use of marijuana, has engaged in conduct which constitutes a violation of Section IV.C of General Order D-4 of the San Francisco Police Department, which states:

"A member shall not possess or use any substance, as defined under the California Uniform Substance Act at any time, whether on or off-duty, unless prescribed by a physician.:"

WHEREAS, on September 1, 1987, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Raul E. Moreno as follows:

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(7) At all times herein mentioned, Raul E. Moreno, Star No. 749 (hereinafter referred to as "the accused") was an is a Police Officer employed by the San Francisco Police Department.

(8) As a Police Officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(9) The allegations contained in Specification No. 1, paragraphs (1) through (6) of the charges filed against the accused with the Police Commission on or about July 16, 1987, are incorporated by reference as if fully set forth herein;

(10) On or about May 13, 1987, at approximately 0700 hours, the accused was at his residence in Daly City with his wife and their two (2) children;

(11) On or about May 13, 1987, at approximately 0700 hours, the accused, during an argument with his wife, struck her with a closed fist about the head, slapped her face, pressed his thumbs into her eyes and pulled her hair;

(12) The accused, by striking his wife in the head with a closed fist, slapping her face, pressing his thumbs into her eyes and pulling her hair, has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, September 24, 1987, and on Thursday, September 24, 1987, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 as preferred by the Chief of Police against Police Officer Raul E. Moreno are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Departmentd, the Commission order the following discipline be imposed:

Specification No. 1 Termination

RESOLVED, that said termination, effective immediately, be, and the same is hereby affirmed and approved.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Recesses taken during the hearing of Officer Raul E. Moreno:

7:37 p.m. to 7:42 p.m.
7:44 p.m. to 7:50 p.m.

The meeting was thereafter adjourned.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

Minutes

OCTOBER 1, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, October 1, 1987 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

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APPROVAL OF MINUTES OF MEETING OF JUNE 18, 1987

Approval of Minutes of Meeting of June 18, 1987, the Commissioners having received, approved, and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1202-87

JOAN HOUSE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joan House in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 20, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1203-87

JOHN E. BRADY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John E. Brady in the sum of $140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 11, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1204-87

ANTONIO VILLARREAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Antonio Villarreal in the sum of $140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 5, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1205-87

JUDY LOCK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Judy Lock in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 11, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1206-87

HENRY NEUGEBAUER

RESOLVED, that judgement made by the City Attorney for settlement of the claim of Henry Neugebauer in Small Claims Court No. 467-904 in the sum of $117.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1207-87

CAROLINA RAMIREZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carolina Ramirez in the sum of $115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 3, 1987 (Hearing Date)

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1208-87

ALEX MORA

RESOLVED, that judgement made by the City Attorney for settlement of the claim of Alex Mora in the sum of $107.25 in Small Claims action no. 465-472 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 17, 1986

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1209-87

WILLIAM CHARLES WYCKO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Charles Wycko in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1210-87

CAROLYN LORD WEIR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carolyn Lord Weir in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1211-87

DAVID J. MILLS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David J. Mills in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1212-87

JULIE CAMPBELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Julie Campbell in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 30, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1213-87

YONG SOOK LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yong Sook Lee in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 10, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1214-87

EUGENE P. MARTONE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eugene P. Martone in the sum of $95.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 11, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1215-87

DANIEL ANDERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel Anderson in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1216-87

GUDRUN BECK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gudrun Beck in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 24, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1217-87

JILL VAN NEWENHIZEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jill Van Newenhizen in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1218-87

CORNELIA B. MARILL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cornelia B. Marill in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 27, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1219-87

JOHN B. HANSEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John B. Hansen in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1220-87

HOWARD FRIEDFELD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Howard Friedfeld in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1221-87

DEBBIE SLUTSKY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Debbie Slutsky in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 24, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1222-87

ROBERT ALAN JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Alan Johnson in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1223-87

KIMBERLY OWENS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kimberly Owens in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1224-87

GERARD SVAZLIAN

RESOLVED, that the judgement made by the City Attorney for settlement of the claim of Gerard Svazlian in the sum of $71.00 in Small Claims action no. 466-315 as a result of damages sustained, be, and the same is hereby approved

Date of Incident: May 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1225-87

DAVID HOLTZMAN

RESOLVED, that judgement made by the City Attorney for settlement of the claim of David Holtzman in the sum of $59.25 in Small Claims action no. 468-398 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 18, 1986

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

POLICE COMMISSION REPORT

Commissioner Giraudo said that there is no report this evening.

(a) PUBLIC COMMENTS

No public comments at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he had an update on the American Public Transportation and Convention during the week. He said there was 11,000 delegates here from all over the country and about 1,000 demonstrators from all over the country. He said the matter was very difficult for the officers to handle because of so many handicapped people and hundreds of wheelchairs. He said these people stated that they wanted to be arrested and wanted to disrupt traffic to be able to get their word across the United States that they had problems with public transit and access to transportation all around the country. He said there was a grand total of 135 arrests, many of whom were repeaters, that is many were arrested two or three times with 75 of them eventually staying in City Prison and being finally processed through the courts.

Commissioner Sanchez said he would like to congratulate the men and women of the San Francisco Police Department who were involved in this issue. He said they showed a great deal of sensitivity in implementation of the San Francisco's policies and procedures when arresting the handicapped demonstrators.

RESOLUTION NO. 1196-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER GLADYS M. GRAY, MISSION STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Gladys M. Gray, Mission Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Gladys M. Gray be set for December 3, 1987; therefore be it

RESOLVED, that the date for the hearing of disciplinary charges filed against Police Officer Gladys M. Gray, Mission Station, is set for Thursday, December 3, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1200-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER STEPHEN RIST, METROPOLITAN DIVISION - CENTRAL STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Stephen Rist, Metropolitan Division - Central Station, as follows:

SPECIFICATION NO. 1

Consuming alcoholic beverages while on duty (violation of Rule III.A of General Order D-4 of the San Francisco Police Department);

SPECIFICATION NO. 2

Being intoxicated while on duty (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Failure to obey the lawful orders of a superior officer (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Failure to promptly report damage to Department property (violation of Rule A-24 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 5

Using unauthorized ammunition with service revolver (violation of Rule III.A of General Order B-3 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Stephen Rist, Metropolitan Division - Central Station, is scheduled for Thursday, October 8, 1987 at 5:30 p.m. at Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1199-87

HEARING OF POLICE OFFICER MICHAEL J. WALSH, RICHMOND STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Michael J. Walsh, Richmond Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Terence Hallinan, Attorney at Law, representing Officer Michael J. Walsh, that the date for the hearing be continued to December 10, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Michael J. Walsh, Richmond Station, is scheduled for Thursday, December 10, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

O.C.C. DIRECTOR'S REPORT TO THE POLICE COMMISSION

Acting Director, Mr. Dan Silva said he had three brief items. One, he said, the OCC is receiving request to make statements to the media regarding Proposition G, which is the removal of the OCC Budget Cap in November's Election. Commissioner Giraudo said he would be happy to talk to any and all questions the media had.

This matter was then, on motion by Commissioner Nelder, placed on the Commission Agenda for October 15th. The second item Mr. Silva said is that he was requesting that the OCC receive formalized notifications regarding demonstrations when the Department has advance notice of such demonstrations. He said if demonstrations are spontaneous, the OCC always has Staff on call with beepers and 24-hour answering service. He said he believed that this may be facilitated between himself and the Chief. He said the third item is the report the Commission requested last week. Commission Giraudo then advised Mr. Silva to be prepared to meet with the Commission next week in closed session and respond verbally.

RESOLUTION NO. 1197-87

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION GRANT A TAXI MEDALLION PERMIT TO MR. RICH TIMBERLINE

WHEREAS, Rich Timberline appeared at a Public Convenience and Necessity hearing held on Thursday, October 1, 1987; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Thursday, October 1, 1987, based on the record received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of a certain number of motor vehicle for hire permits; and

WHEREAS, prior to the emergence of Proposition K, there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Police Commission, pursuant to Resolution No. 283-84, dated March 29, 1984, has set the number at 761 taxicab permits for the City and County of San Francisco; therefore be it

RESOLVED, that Rich Timberline appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Rich Timberline.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION AMENDING PART II, CHAPTER VIII, SAN FRANCISCO MUNICIPAL CODE (POLICE CODE), BY ADDING SECTION 20 PROHIBITING CROSSING OF POLICE LINES

A request from American Civil Liberties Union (ACLU) attorney, John Crew, was honored in this regard, on motion by Commissioner Nelder and seconded by Commissioner Owens, to continue the matter to October 15, 1987. The motion was thereafter unanimously approved.

RESOLUITON NO. 1195-87

REQUEST OF THE CHIEF OF POLICE FOR A SUPPLEMENTAL APPROPRIATION AMOUNTING TO $89,936 TO COMPLETE RENOVATION OF THE NEW NORTHERN POLICE STATION

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation, amounting to $89,936 to complete the renovation of the New Northern Police Station.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

POLICE COMMISSION DISCUSSION ON THE CHIEF'S TAXICAB RULES AND REGULATIONS

Commissioner Giraudo: "The Commission some three weeks ago or approximately 4 to 5 weeks ago asked that the Department come back to the Commission with a recommended form of enforcement of the present Chief's Rules and Regulations and the Department so did and we adopted that system, if you will, and as I understand it we are presently going through the transfers and changes of personnel necessary to put this program into effect. The Commission, during the course of the varied and many hearings that we had with respect to Public Convenience and Necessity (PC&N), individually reviewed the various Rules and Regulations and also much of the testimony both of which was submitted to the Commission in writing from various members of the industry, both owners, drivers, operators, medallion holders, etc., recommended or made many comments about various problems and various concerns were expressed about the Rules and Regulations. So each Commissioner submitted recommendations to be discussed by the Commission this evening with respect to amendments or adding additional Rules and Regulations to the existing Rules and Regulations. These have all been discussed publicly. They have all been discussed by the Commission and questions asked back and forth between the Public and the Commission. So, tonight I will read the proposed Rules and Regulations some of which are stated in general terms as submitted by the Commissioners and I will ask those Commissioners as they have submitted them to explain what it is they are seeking so that we can couch their recommendations in forms of Rules and Regulations and then to find out whether a majority of the Commission in fact wants to adopt that particular Rule and Regulation. So, please be patient with us there will be no public hearing or testimony or any further hearing or testimony with respect to these Rules and Regulations. So, I will speak to those now and go through the process. Is that acceptable to the Commission?" Affirmative acknowledgement by all.

Commissioner Giraudo: "Alright, Number one. Provisions and guidelines for drivers regarding amounts of cash to carry and appropriate notices for passengers detailing this point."

Recommendation: EVERY CAB CARRY A DECAL THAT SAYS THAT DRIVERS DO NOT CARRY MORE THAN $10.00 CASH. This was adopted as a directive to be sent to the Cab Companies.

Commissioner Giraudo: "The second recommendation was a recommendation that lock boxes be required, bolted to the floor of cabs or in the trunk of cabs for carrying of cash. I, myself after considering this recommendation and the request that was made and this again was made by a number of drivers, do not believe, at least in terms of my discussion with people involved in the industry, that it is necessarily a practical resolution to the problems that are attempted to be solved with this but it is thrown out to see if any of the Commissioners have any comment or whether they would concur.

All other Commissioners declined motion for adoption of this proposal and left it as an option for cab owners or companies to use their own discretion.

Commissioner Giraudo: "Another proposal that was considered was the possibility, again, of raising medallion fees. That has been done this year and it is not an appropriate discussion for this evening." He then said the next proposal would be discussion with respect to the issuance of citations and fines to drivers who violate the Chief's Taxicab Rules. "As I review the Rules and Regulations and the Charter, I believe as it stands now that the Chief through the Deputy Chief and the Deputy Chief through the Chief can suspend, revoke and/or admonish taxicab drivers. And I suppose suspension speaks to a loss of income and fines talk to an immediate writing of a check. I throw that out because that is another one that was profferred as a basis of implementing or aiding the Department with respect to enforcement."

Commissioner Sanchez: "I think, given the Commission's vote, roughly 3 weeks ago, on the actual formulation of the enforcement detail which the Department has never had before and the status report which we requested this afternoon pertaining to the personnel shifts in the enforcement detail that this is really academic at this point. But in essence, citations, etcetera, will be issued with our new division and, therefore, I think the mechanism is already in place. It is just a question now as we do have personnel in which to provide a little more uniformity in reference to the enforcement of this special detail."

Commissioner Giraudo: "But my comment, I can recall, when I was on the Board of Permit Appeals initially about 8 years ago, that we used to see quite a few taxi cab drivers appealing Chief's decisions with respect to revocations and suspensions etcetera. And my understanding is it is not simply because of the lack of enforcement and the lack of personnel so I would concur with what Commissioner Sanchez is saying that hopefully if this system that we have put together works that that would be sufficient methodology for enforcement."

Commissioner Nelder: "I think that that section which is actually spelled out in the police code gives the police department enough authority to enforce the rules and procedures set down by him as far as it relates to the taxicab industry. It's very severe when a cab driver gets suspended for two or three or four or five days. That means he doesn't work on those particular days. The only addition I would make is that in addition to the suspension, dismissal and reprimand would be re-training because many of the complaints have to do with the kind of service that's rendered. So, I think that re-training should be included in the enforcement Rule if that is agreeable."

Commissioner Sanchez: "I would second that concept. I do think that is an administrative function however, which is under the jurisdiction of the Chief and Deputy Chief and I am sure they could implement that as one of their options as far as dealing with the problem per se."

Commissioner Nelder: "The item that we are considering is item 4, right? THE ISSUANCE OF CITATIONS AND FINES TO DRIVERS. I think that instead of that language why don't we simply say INCLUDED IN THE CHIEF'S RULES AND PROCEDURES WOULD BE RE-TRAINING FOR TAXICAB DRIVER INFRACTIONS."

Commissioner Sanchez: "I would second that." Uninanimously approved.

Commissioner Giraudo: "The next one that was submitted was the elimination of deadheading from the City to the San Francisco International Airport and after at least from my perspective visiting the Airport and watching the activity and coming to a better understanding through drivers and owners as to what that practice is all about and why it occurs I think it was two weeks ago we asked Deputy Chief Willis Casey to see if we could at least facilitate a meeting between our Department and that of the Airport or their staff to see what could or could not be done with respect to the Airport and we did receive a letter from Mr. Lou Turpen who is the Director of the San Francisco International Airport also seeking such a meeting because he was concerned that we would attempt to do something here at this Commission that would impact on what they need to do in terms of enforcement. Have we had that meeting Chief?"

Deputy Chief Willis Casey: "No Commissioner, you have to ask Lieutenant Winters."

Lt. Winters: "At this moment Commissioner, we are attempting to rationalize or coordinate our schedules so we can have a meeting. There are vacations and training absences that are making it a little difficult. We expect to have a meeting sometime early in November though with Mr. Pin and Chief Driscoll from the Airport. The very earliest it could occur would be the third week in October without Deputy Chief Macia."

Commissioner Giraudo: "Well, I sure would like to see it move along and if you feel that you need the Deputy Chief there, then obviously you have got to do it the way you think is right."

Lt. Winters: "May I ask for guidance on this issue of elimination of deadheading as to what the Commission's will is?"

Commissioner Giraudo: "Well, I think the public comments we made on the issue were that a number of us have been out to investigate and to take a look individually as to what was being proclaimed to be a major problem by many of the people who spoke over the course of the meetings that we had. And my experience was that there was quite a bit of deadheading going on. It was also explained to me though that you can make all the rules and regulations and tell the SFPD to enforce it but it means standing out on Highway 101 out there and stopping or trying to stop cabs as they go by. So, that is why I said that I thought it was appropriate to get together with the Airport people who expressed to me on the phone that they considered it a problem as well and that they wanted to sit down and coordinate some form of enforcement and it could not be done by the SFPD that it had to be done by the Airport Police and perhaps you weren't here when we made that statement but I for one have no new scheme of regulation that's why I was hoping that the professionals in terms of our staff and their staff might be able to come up with such a scheme."

Lt. Winters: "Commissioner I am not asking for a technical scheme I assume I am asking for a policy statement from the Commission. Does the Commission wish to either restrict or eliminate deadheading and if that is the case that is the end we will work toward in bringing back regulations."

Commissioner Giraudo: "I was under the impression it was already a violation of the Chief's Rules and Regulations. If not then I apologize. Perhaps we then can entertain such a motion if that is the desire of the Commission?"

Commissioner Nelder: "Well, this item flatly says elimination of deadheading from the City to SF Airport. I don't think it could be made any more plainly. Lt. Winters is charged with the enforcement of this edict."

Lt. Winters: "If that is the Commission's will?"

Commissioner Nelder: "I move approval."

Commissioner Owens: "I second that."

Commissioner Giraudo: "Alright there is a motion and second all those in favor?" Unanimous ayes and approval.

The decision was we are directing the Department to proceed toward the elimination of deadheading to the SF Airport.

The next numbered item is item #6. REMOVAL OF POLICE OFFICERS FROM COMMUNICATIONS ETCETERA, USING THEIR SERVICES TO BOOST THE ENFORCEMENT ASPECTS OF THE TAXICAB DETAIL. These are all issues that we dealt with some three weeks ago and the changes have been made toward enforcement. The next one reads, ALL TAXICABS BE REQUIRED TO HAVE RADIO DISPATCHED SERVICES. This was submitted by one of the other Commissioners."

Commissioner Owens: "It was submitted by me. I would like to make a brief comment and that is in relationship to all taxicabs providing radio dispatched services, because I think they would better serve the people of San Francisco and I think that needs to be done. It is my understanding that all cabs do not provide that service, therefore, I would like to make a motion that that be done by all cabs, that it be a blanket or across the board requirement."

Commissioner Sanchez: "I will second that but I would like to ask if it means, as for example, through the Chief's Rules which were adopted a number of years ago on this, all new cabs since post Proposition K are required to have?"

Commissioner Owens: "Yes."

Commissioner Sanchez: "So, now you are saying that you want all cabs under the City and County of San Francisco and the Police Commissiond and the Department Rules and Regulations to have 24 hours compliance. Would you like to place a time factor on that to comply within 3 months or 6 months? Those who do not already have one would have to have one within 6 months is that your motion?"

Commissioner Owens: "Yes, that would be my motion."

Commissioner Giraudo: "The next item is item #2 which speaks to the operators of cabs wearing badges which is to be part of prescribed dress uniform and this was submitted by Commissioner Owens."

Commissioner Owens: "Initially I thought that given that there should be some dress code in relation to individuals or the overall taxi cab operators and that I felt that either on a cap or some item of clothing the badge should be displayed so that the public can see this official emblem so to speak. So, I would like to ask that the Department to come back to the Commission with some form of dress code as we do not have one in place at this time and I would like Lt. Winters from the the Permit Section of the General Office to research that and come back to the Commission with a proposal for a dress code for the taxicab industry. And initially it started out with the badge but I would like to see a complete dress code presented to this Commission for its review within 3 months. The reason I recommended the badges is because there are some people who are driving without them and there should be a dress code that is consistent with the taxi industry. This is a motion.

Commissioner Nelder: "Second."

Commissioner Giraudo: "There is a motion and a second all those in favor, unanimous ayes. And the matter was unanimously approved.

The next matter, item #3 which was submitted was that a maximum of only 5 taxicabs be allowed to line up at hotels at a given time. I would like to comment on that. This was introduced by Commissioner Owens.

My feeling is that would be impractical because that could cut either way if you think of a hotel like Campton Place. If there were 5 taxicabs in front of Campton Place we would have a major traffic congestion and that would be true if it was across the street in front of the Hyatt Union Square rather than within the taxi zone. My understanding, the way the regulations are now, is that cabs are supposedly limited by number to the taxi zone that is present in front of the hotel. And with the enforcement program that we hopefully have put together will, hopefully, be successful that that kind of congestion that occurs at some of the hotels will be cut back. Is there any comment? Is there any motion then or should we dismiss that one?"

Commissioner Owens: "Dismiss that one."

Commissioner Giraudo: "The next one is another one submitted that says ALL TAXICAB OPERATORS WILL BE REQUIRED ON A PERIODIC BASIS TO ATTEND AN INTENSIFIED AND INCREASED TAXICAB OPERATORS TRAINING PROGRAM. Would you like to explain that one Commissioner?"

Commissioner Owens: "This ties into item #4 that Commissioner Nelder initially pointed out and that was the issuance of citations and fines to drivers who violate Chief's Taxicab Rules and then he recommended the re-training. Well, this ties into that and that the Department look into developing an intensified and increased taxicab operators training program and to do this with the taxicab companies. And I am asking Lt. Winters to look into that and to report back to the Commission in 30 days as to a proposed program whether it be re-training in service training or training for new drivers.

Lt. Winters: "We have submitted both an 8 and 16 hour curriculum for taxicab drivers and we are coordinating now with the Police Academy to hold it at that facility. It went through channels and if it hasn't reached the Commission I will have copies out to you at once.

Commissioner Nelder: "That's what we want you to look into. Actually, you know the City and Police Department and everybody benefits by this but nobody benefits as much as the taxicab owners and the taxicab companies. So, what we want you to find out is what contribution they are going to make toward this in service training course and perhaps it shouldn't be held there but maybe it should be held elsewhere. And that is what we want you to study and bring back and report in 30 days.

Commissioner Sanchez: "I guess in the initial report from the Department to the Commission which was quite awhile ago which we have discussed and people have made comments to. I had also suggested that perhaps we look at some other sources of funding such as I think I mentioned the Boston Taxicab Detail which got American Express to contribute $25,000 dollars to do a comprehensive training film developed with the Taxicab Industry pertaining to ongoing education and also orientation for new drivers.

If in fact this could also be explored and brought back as part of this resolution because I know that again industry does have an interest and of course tourism is a major industry here in San Francisco so it might very well be to contact somebody from the Boston Detail and they would be glad to forward the film, we could review it, the staff could review it and we could take a look at it pertaining to utilizing extra murial funds to provide a very important part of training and regulation and that would be through this effort."

Commissioner Nelder: "Was some of that training through the Community College?"

Commissioner Sanchez: "A number of the training components were through the Community Colleges that's true both in Houston, Atlanta and Boston but again that could be looked at too, I think, as part of the package where they could also be given credit if they wished to proceed for a degree which many of the drivers do."

Commissioner Giraudo: "So, we have a motion and a second, all those in favor? Unanimous ayes.

Commissioner Giraudo: "The next one was a recommendation that in cooperation with the Department of Public Works that Proposed Plans be drawn up for Taxicab Stands at strategic locations that would offer the best service for the City's out lying districts. My comments with respect to this would be that under the present system that we have in San Francisco especially with the leasing of cabs and gates that this would be almost an impossible situation for the Department to enforce and not a practical solution to the problems that were posed by the various people that spoke during the course of our various meetings. I don't know how anybody else feels about it."

Commissioner Nelder: "I think that before we move on to passing a rule that would fine the drivers I think we should try the situation as it is now designated by the Police Code where there is suspension, fine, removal and reprimand and re-training and if that works I don't think you would need that Commissioner."

Commissioner Sanchez: "Through the Chair also I would like to state that I think that basically by requiring all inclusive radio communications which were voted upon by the Commission that that also needs to be looked at pertaining to the 6 month criteria for that and that very well may make a difference rather than voting this other item out at this point."

Commissioner Giraudo: "Alright. There were other suggestions but basically I think Commissioner Sanchez just spoke to that."

Commissioner Sanchez: "I would just like to share again, it was discussed briefly awhile back in one of my initial comments on this issue and that deals with other issues, that I would like to see the Department pursue especially with the Airport personnel and police services. I would like to see the Department prepare a regulation dealing with Share Riding to the Airport given the fact that now we have enforcement personnel which we never really had before in a comprehensive unit.

The fact that the Commission has voted this out before, roughly three weeks ago is of major significance because now we will be able to really take a look at a number of problems we have been listening to for almost a decade pertaining to the industry so, I would propose that the Department develop a set of rules and regulations pertaining to Share Riding in conjunction with the Airport Staff both in the City and County of San Francisco and to the Airport. That would be my motion for consideration.

Commissioner Owens: "Second."

Commissioner Giraudo: "All those in favor? Unanimous ayes. It was then unanimously approved.

Commissioner Sanchez: "I just have one other one that needs further study and that is in our discussions at this point too, we have looked at a number of other large urban cities that have sort of resolved part of the problem by the development of set zones in downtown areas. I would like the Commission to request the Department to study a zone concept for the downtown area or maybe the downtown area in another sector so this way all cabs might be able to participate in a zone fare given the high number of tourism and people waiting. I am not saying its good, bad or indifferent. I am saying that basically it has been utilized in a number of other cities and some very effectively. I would like to direct the staff through the Commission to review this and bring it back to the Commission within 30 days pertaining to if, in fact, a zone concept could possibly work uniformly in the downtown and other basins area. That would be my motion."

Commissioner Owens: "I second that motion."

Commissioner Giraudo: "It has been moved in second, all those in favor? Unanimous ayes. Unanimously approved.

There were no other recommendations that came from any of the Commissioners or that were submitted to Lt. Frazier so, I will assume unless any Commissioner has any other Rule or Regulation or motion to be considered then we can move on to the next item."

DECISION ON PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF TAXICAB PERMITS

Commissioner Giraudo: "Again, we have as a Commission had a number of meetings where we have heard testimony from a good number of people with respect to the Public Convenience and Necessity. We have had submitted various written documents from applicants, from present medallion owners both pro and con with respect to the issuance of additional permits in the City and County of San Francisco. We have had, as I have indicated, the Commissioners have made individual investigations, have had individual conversations with cab companies, operators, owners, medallion holders, people on the list waiting for permits and have drawn conclusions individually.

I have taken the liberty to summarize what I sense to be at least the consensus of the Commission by virtue of what has been submitted and what evidence and testimony has been put before the Commission and I would like to read through that and then ask the Commission for any comment or concurrence or if they take issue with that summary. It would be my recommendation that the findings and the decision of this Commission be that with respect to the applications for Certificates of Public Convenience and Necessity for the Operation of Taxicabs be as follows: WHEREAS, 629 individuals have applied to the Police Commission for a declaration by the Police Commission of public convenience and necessity for the issuance of more permits to operate taxicabs in the City and County of San Francisco, and;

WHEREAS, this matter came on for a hearing before the Police Commission of the City and County of San Francisco on November 6, 1986 and hearings continued at intervals to and including May 28, 1987; and

WHEREAS, various applicants appeared before the Commission and presented oral and documentary evidence in support of their applications; and

WHEREAS, many owners and operators of taxicabs testified in opposition to the granting of additional permits and evidence in support of their position was presented to the Commission; and

WHEREAS, the law requires that in order for a declaration of public convenience and necessity to be made, the applicants shall have the burden of proof to establish by clear and convincing evidence that public convenience and necessity require the operation of the vehicle for which permit application is made; and

WHEREAS, pursuant to the direction of the Police Commission, a study of the taxicab industry was undertaken by the Police Department staff within the General Office Division of the Technical Services Bureau which revealed that current industry practices do not meet the requirement of public convenience and necessity but made recommendations which if adopted in whole or in part, would significantly improve the industry; and

WHEREAS, each Commissioner has investigated on his or her own the various conditions that were complained of and conditions that were stated to be prevalent within the industry; and

WHEREAS, Commissioners have individually conferred with Airport staff and personnel and with Police Department staff and personnel and have drawn such conclusions;

WHEREAS, the Police Commission this date accepted and adopted several of those recommendations, including recommendations from each individual Commissioner to add to the current Chief's taxicabs rules and regulations which will insure the improvement of the taxicab industry and its abilities to adequately serve the public;

WHEREAS, the Department staff reports initially recommended that this Commission issue 239 new permits and in its second report recommended that this Commission issue fifty (50) new permits at a pace of five per month until fifty (50) were achieved with the termination thereafter to determine the further effect of the issuance of those new permits and that the second or third recommendation spoke to an unlimited number of owner-operated permits being issued by this Commission, and the Commission has considered all of those recommendations and I would recommend and ask that a motion be made that resolves based upon those convincing evidence and beyond a reasonable doubt that the public convenience and necessity does require the operations of additional permits for which applications have been made; therefore be it further

RESOLVED, that based on those findings it shall be and it is hereby the order of the Commission that certificates of public convenience and necessity for the operation of taxicabs in the City and County of San Francisco be granted to the next fifty (50) applications, in chronological order on the taxicab permit applicant list and be it further

RESOLVED, that said certificates of public convenience and necessity for the operation of taxicabs in the City and County of San Francisco shall be granted and shall be revocable under criteria and standards published by the Police Commission in conjunction with applicable sections of the San Francisco Municipal Code.

That is what I think is the summary of what we have been through over the last year."

Commissioner Owens: "President Giraudo, I would like to move approval that we accept the Resolution that has just been presented by President Giraudo to the Commission and to the people of San Francisco."

Commissioner Sanchez: "I would second the motion."

Commissioner Giraudo: "Alright, there is a motion and a second with respect to the recommendation of the Chair all those in favor please signify by saying Aye." Unanimous ayes.

Commissioner Giraudo: "All those opposed? (none) So moved. Thank you very very much."

Mr. Steven Diaz: "Mr. President, no public testimony, point of clarification. Good evening, Steve Diaz on behalf of the San Francisco Taxicab Association I have been retained on behalf of the Association to file an appeal to the Board of Permit Appeals. We have received information that your Permit Bureau is prepared to commence the processing of issuing these permits the first thing tomorrow morning we request they be instructed to wait the 10 day period so that we may timely file our appeal."

Commissioner Giraudo: "I can only tell you I don't know how, they haven't been informed by this Commission as to how many permits whether or not they will be issued so I don't know how they would have been prepared to issue permits tomorrow. If in fact you are going to be filing an appeal for tomorrow then I would think that it would be....I don't think you would be ready to do it tomorrow anyway would you?"

Lt. Winters: "Commissioners there is nothing to appeal until you grant each permit as it comes before you."

Commissioner Giraudo: "I don't want to get into a legal debate at this time. You ar appealing the Commission's decision as to respect to PC&N as opposed to each individual permit or is it your intention to do both."

Mr. Diaz: "We are appealing each individual permit on the basis that there is no PC&N demonstrated and we are appealing the decision of the Commission that there is any PC&N for any permits."

Commissioner Giraudo: "And your position is you would be appealing them individually as well as in a block?"

Lt. Winters: "Commissioner you are going to have to rule on each individual applicant's fitness as they come up. I differ with Mr. Diaz in that your findings of PC&N requires an appeal from the Board of Permit Appeals."

Mr. Diaz: "It's a minor point but the practical fact is that individual permits have now been authorized and assuming that the individuals, whichever individuals next qualify on the list there is certainly more than 50 qualified applicants somewhere down that list."

Commissioner Giraudo: "Yes."

Mr. Diaz: "And those will be issued in due order. The question is do we agree in a civilized and orderly way how to review the decision to issue the permits and because we are apparently unable to agree on that we ask for instructions from the Commission to the Department."

Commissioner Giraudo: "When you say in an orderly way as each one is presented to the Commission, is it your intention to appeal each one of those?"

Mr. Diaz: "It seems silly for us to treat what is essentially a single matter. The question of the existence of any PC&N is 50 separate matters. We understand we will have to file 50 fees before the Board of Permit Appeals that's a revenue question. The fact is we ask that the Commission recognize what they have done as a single act so as a practical matter we can discuss the fundamentals, the things truly at issue."

Commissioner Giraudo: "You know Mr. Diaz, you know what I think we are going to have to do, I think we are going to have to ask the City Attorney if in fact this commission can do that?"

Mr. Diaz: "That's fine and we will be happy to live with the City Attorney's letter."

After discussion the next item was called.

STATUS REPORT ON THE REQUEST OF THE CONCERNED CITIZENS OF POLK/GEARY TO INCREASE AND MAKE MORE EFFECTIVE THE BEAT COP COVERAGE THEY NOW HAVE.....

Ms. Mary Ellen Smith said that with one exception of McCauley Park that is now being looked after the rest of the neigborhood is slowly deteriorating. She said there are prostitutes and derelicts in greater and greater numbers, people going from the park to various parking lots in the various areas. She said all sorts of people are complaining. She said there are approximately a dozen letters there and instead of her speaking she would invite the Commission to listen to some of the merchants in the area who came down here tonight. The following speakers were as follows:

1. Ms. Mary Ellen Smith - submitted letters
2. Ms. Jerry Oskatell
3. Ms. Terry Watson
4. Mr. Jean Gabriel
5. Mr. Fred Jackerman
6. Ms. Betty White
7. Ms. Mary E. Smith - second appearance

After listening to the speakers from the area Ms. Smith said their position is that the beat is not being covered adequately and the Police Department's position is that the beat is being covered adequately. She said their position is that the Police Department is not listening to them and the Department's position is that they are a much malcontented bunch of crazies. She said she tried to set up a small ad hoc committee with a member of the Commission but was unable to get it to work. She said they have written papers, gone to meetings at Norther Station but they genuinely feel that their area is not being adequately covered.

Commissioner Giraudo said he wasn't sure what Ms. Smith's definition is of better coverage but, he said, he has been back twice in the neighborhood since the last time Ms. Smith was here to see what was being done by the patrols that are there. He said he still has the opinion that there is a tremendous dedication to giving proper coverage in that area.

Lt. Tim Hettrich of Northern Station said that this area is covered on a daily basis and will be covered from now on. He said it is a hot spot and there are a lot of crime on this beat. He said he agreed with a lot of the things the people had to say. He then gave an overview of how San Francisco Police Department members are working with other agencies to keep places like McCauley Park clean, elimination of the illegal selling of food stamps and statistics revealing a reduction of major crimes committed and numerous arrest and citations issued.

Commissioner Nelder said he felt the Police in that area are really doing their part, that they are doing as much as they possibly can, and he would be the first one to criticize them if he felt, otherwise. He said he wants everyone to keep working to keep doing what they are doing best. He said Ms. Smith should keep telling the Department what goes on and then meet here with the Commission periodically as she has given the Commission something to digest and think about and he would make a motion to calendar the matter for November 19, 1987. The matter was then continued to November 19, 1987.

HEARING OF POLICE LIEUTENANT RICHARD D. HOLDER, SPECIAL OPERATIONS DIVISION, TACTICAL COMPANY

The hearing of Police Lieutenant Richard D. Holder, Special Operations Division, Tactical Company was called it having been set for this date. Lieutenant Richard D. Holder was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to prevent crime (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Lieutenant Richard D. Holder appeared in person and was represented by Ms. Mary Coughlin, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Attorney Michael Gash for the Prosecution.

The following exhibit was entered into evidence by the Prosecution:

Exhibit #1 Crime Report from Oakland Police Department by Sergeant M. Martin, 6/26/87

Lieutenant Richard D. Holder entered a plea of guilty to Specification No. 1 and Specification No. 2.

Commissioner Sanchez made a motion to accept the plea of Lieutenant Holder and it was unanimously approved by the Commission.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief of Police that Lieutenant Richard D. Holder be terminated but said termination to be held in abeyance for two years provided he is suspended for ninety (90) calendar days.

Thereafter, Attorney Mary Coughlin advised the Commission that Lieutenant Holder would like to make a statement regarding his charges. A statement was then made by Lieutenant Holder to the Commission regarding his charges and problems leading to said charges being drawn and filed.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 1198-87

DECISION - HEARING OF POLICE LIEUTENANT RICHARD D. HOLDER, SPECIAL OPERATIONS DIVISION, TACTICAL COMPANY

WHEREAS, on July 2, 1987, Frank M. Jordan, Chief of Police, made and served charges against Police Lieutenant Richard D. Holder as follows:

SPECIFICATION NO. 1

Failure to prevent crime (violation of Rule A-2 of General Order D-1 of the San Francisco Police Department);

(a) At all times mentioned herein, Richard D. Holder, Star No. 1873, was and is a police lieutenant employed by the San Francisco Police Department and assigned to the Special Operations Division - Tactical Company;

(b) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders, and procedures of the San Francisco Police Department;

(c) On or about June 26, 1987, at approximately 1230 hours, in Oakland, California, the accused while off duty, approached a female Oakland Police Officer, who was working an undercover decoy operations to abate prostitution, and solicited her for an act of prostitution;

(d) Solicitation of an act of prostitution is a crime as defined in California Penal Code Section 647(b);

(e) On June 26, 1987, at approximately 1230 hours, the accused was cited for soliciting an act of prostitution;

(f) By soliciting an act of prostitution, the accused failed to prevent crime which constitutes a violation of Rule A-2 of General Order D-1 of the San Francisco Police Department, which states:

"Officers shall, while off-duty, take all reasonable steps to prevent crime, detect and arrest offenders, and protect life and property that are consistent with the officers' ability to take proper action at the time in question."

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(a) Each and every allegation contained in paragraphs (a) through (f) of Specification No. 1, are hereby incorporated by reference as though each were fully set forth herein;

(b) by failing to prevent crime and by subsequently being cited for soliciting an act of prostitution, the accused has engaged in conduct which tends to subvert the good order, efficiency, or discipline of the department and which reflects discredit upon the department which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department or any member therof or that is prejudicial to the efficiency and discipline of the Department, though such offenses are not specifically defined or laid down in these Rules and Procedures, shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, October 1, 1987, and on Thursday, October 1, 1987, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the allegations contained in Specification No. 1, violation of Rule A-2 of General Order D-1 of the San Francisco Police Department, and Specification No. 2, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, as preferred by the Chief of Police against Police Lieutenant Richard D. Holder are sustained; therefore be it

RESOLVED, that based on these findings consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders that the following discipline be imposed:

Specification No. 1 [penalty]
Termination to be held in abeyance for two years, providing no violation occurs during that period

Specification No. 2 [penalty]
90 calendar days suspension

and be it further

RESOLVED, that said suspension totaling ninety (90) calendar days is to be imposed commencing Friday, October 2, 1987 at 0001 hours and ending Wednesday, December 30, 1987 at 2400 hours. If any violation occurs during the two year period, the termination held in abeyance will be imposed.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

Recess taken during the hearing of Lieutenant Holder:

7:50 p.m. to 7:59 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

OCTOBER 8, 1987 = Minutes CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Thursday, October 8, 1987 at 1700 hours in Closed Session.

Commissioner Nelder presiding.

DOCUMENTS DEPT.
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1. Attorney-Client Conference
2. Personnel Matter

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

OCTOBER 8, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, October 8, 1987 at 1730 hours in a Regular Meeting.

Commissioner Nelder presiding.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioners Giraudo

APPROVAL OF MINUTES OF MEETING OF JUNE 25, 1987

Approval of Minutes of Meeting of June 25, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1226-87

ROA SUA YUEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Roa Sua Yuen in the sum of $5,000.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 15, 1986

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION 1227-87

JOHN BUTTRESS vs. CITY & COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Buttress in the sum of $1,082.77 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 23, 1986

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1228-87

RUSSELL J. MATLI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Russell J. Matli in the sum of $400.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 16, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1229-87

RUDY COLOMBINI dba GOLDEN CITY INN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rudy Colombini dba Golden City Inn in the sum of $339.75 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 13, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1230-87

PATRICK LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Patrick Lee in the sum of $200.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 16, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1231-87

MARK JEFFREY APPELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Jeffrey Appell in the sum of $165.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 11, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1232-87

BRUCE R. LAWRIE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bruce R. Lawrie in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 2, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1233-87

DANIEL GUARDADO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel Guardado in the sum of $140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 21, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1234-87

DANIEL A. HARRINGTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel A. Harrington in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 26, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1235-87

CHE SENG LEW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Che Seng Lew in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 12, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1236-87

VALERIE CABOT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Valerie Cabot in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1237-87

JEANINE BRAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeanine Bray in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 5 - 6, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1238-87

MARK J. CLARK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark J. Clark in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 26, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1239-87

STEPHEN COURT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephen Court in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 1, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1240-87

RANDALL DAVISON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Randall Davison in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 22, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1241-87

ROBERT WILLIAM DEVAULT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert William Devault in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 22, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1242-87

DONNA H. LESLIE-LICHTNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donna H. Leslie-Lichtner in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 10, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1243-87

JOHN LIU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Liu in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 24, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1244-87

ANDREA KOBRINSKY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Andrea Kobrinsky in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 26, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1245-87

THOMAS L. GRAZIOLI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas L. Grazioli in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 31, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1246-87

KITAW GEBREHANNA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kitaw Gebrehanna in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 5, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1247-87

BERTHA GARNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bertha Garner in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 9, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1248-87

DENNIS FORSETH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dennis Forseth in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1249-87

CAROL FITZGERALD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carol Fitzgerald in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1250-87

HANS W. HERB

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hans W. Herb in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 30, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1251-87

BARBARA E. FOUST

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara E. Foust in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1252-87

DONALD T. FONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donald T. Fong in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 8, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1253-87

LINDA M. CHAPMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Linda M. Chapman in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 26, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1254-87

REBECCA J. ALTBERG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rebecca J. Altberg in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 14, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1255-87

STEPHANIE JO ARMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephanie Jo Arms in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 31, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1256-87

ARTWEEK, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Artweek, Inc. in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 5, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1257-87

ALEX BORTNIK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alex Bortnik in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 13, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1258-87

KHALIL BARHOUM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Khalil Barhoum in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 4, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1259-87

SAUREN L. DEDERIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sauren L. Dederian in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 26, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1260-87

MARY ANNE GAMMON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Anne Gammon in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 29, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1261-87

HUMBERTO J. GONZALEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Humberto J. Gonzalez in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 28, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1262-87

NEAL GREENFIELD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Neal Greenfield in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 11, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1263-87

ANGELA GREENE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Angela Greene in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 25, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1264-87

HARRY A. JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harry A. Johnson in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1265-87

NORMAN KUNZ/R.A. GERSHENSON CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Norman Kunz/R.A. Gershenson Co. in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 18-21, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1266-87

MICHAEL R. LIGHT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael R. Light in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 19 or August 20, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1267-87

JOEL LIPKINS, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joel Lipkins, Jr. in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 29, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1268-87

JEANIE LEW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeanie Lew in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1269-87

IDA LEWIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ida Lewis in the sum of $75.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 12, 1987

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

RESOLUTION NO. 1270-87

GWENDOLYN CHUNN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gwendolyn Chunn in the sum of $45.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 2, 1987
(Hearing Date)

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

POLICE COMMISSION REPORT

Commissioner Nelder advised that the Commission met this date in closed session in an Attorney Client Conference and no vote was taken.

(a) PUBLIC COMMENTS

No public comments were offered at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he just wanted to update the Commission on some of the comments made by Supervisor Molinari during the past week regarding the law suits that are being shifted through the Police Department to the City Attorney's Office and on to the Board of Supervisors. He said some ire and concern was raised about the inordinant amount of cases that are going through and are somewhat out of control of the Police Department.

He said he has checked personally with Supervisor John Molinari to give him the facts as they are here and the cases the Supervisor speaks of have shown a very drastic reduction, in fact he said, 48% through the last two years. He said he believed the Supervisor was referring to litigation that has occurred 3,4,5 and 6 years in the past. He said he has also followed up with facts on the traffic issue which is a problem to all. He said the 1985-86 statistics showing a comparison of double parking citations were up 36%, yellow zones in the downtown metropolitan district were up 57% and overall two and a half million citations were given out in 1985. So far in 1986, he said, the Department has given out 2,700,000. He said he will be giving the figures to the Supervisors in the immediate future.

Commissioner Nelder said very good. He said it is bad enough to have to defend yourself when someone makes an accurate statement but it is really a pain in the neck or lower when someone makes an inaccurate statement on an inaccurate statement of facts. Personally he said, he felt the Chief was doing a very fine job.

O.C.C. DIRECTOR'S REPORT TO THE POLICE COMMISSION

Investigator Barbara Attard of the OCC said Acting Director Dan Silva was out sick today and so they have really nothing to report.

RESOLUTION NO. 1271-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER STEPHEN RIST, CENTRAL STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Stephen Rist, Central Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Stephen Rist be set for December 17, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Stephen Rist, Central Station, is set for Thursday, December 17, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

HEARING OF PATROL SPECIAL OFFICER ALBERT L. ROBLES, CENTRAL POLICE DISTRICT

The hearing of Patrol Special Officer Albert L. Robles, Central Police District, was called it having been set for this date. Patrol Special Officer Albert L. Robles was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the department (violation of Section 2.13 of the Rules and Procedures of Patrol Special Officers and Assistant Patrol Special Officers of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which reflects discredit upon the department (violation of Section 2.13 of the Rules and Procedures of Patrol Special Officers and Assistant Patrol Special Officers of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Patrol Special Officer Albert L. Robles appeared in person and was represented by Mr. John Prentice, Attorney at Law.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Mr. John Prentice for the Defense.

The following witnesses were called by the Prosecution, were sworn and testified:

Police Officer Curtis Dowling, Company A
Warden Mark Windham, State Fish and Game Department
Lieutenant John Carlin, Company A

The following exhibit was entered into evidence by the Prosecution:

Exhibit #1 3 x 3 Color Photo of Dead Pigeon

The following witnesses were called by the Defense, were sworn and testified:

Mr. Charles Balton, PBX Dispatcher, Golden Gateway Center, 460 Davis Court San Francisco, CA
Mr. James Egan, Security Officer, Golden Gateway Center, 460 Davis Court San Francisco, CA
Patrol Special Officer John J. Candido, Company E
Mr. Sam Anderson, Security Guard
Patrol Special Officer Albert L. Robles, Company A

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, concluding that Specification No. 1 and Specification No. 2 are sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief that Patrol Special Officer Albert L. Robles be suspended thirty (30) days for Specification No. 1 and thirty (30) days for Specification No. 2, for a total of sixty (60) days suspension.

The Commission again took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 1272-87

DECISION - HEARING OF PATROL SPECIAL OFFICER ALBERT L. ROBLES, CENTRAL POLICE DISTRICT

WHEREAS, on May 6, 1987, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Patrol Special Officer Albert L. Robles as follows:

SPECIFICATION NO. 1

Engaging in conduct which reflects discredit upon the department (violation of Section 2.13 of the Rules and Procedures of Patrol Special Officers and Assistant Patrol Special Officers of the San Francisco Police Department);

(1) At all times herein mentioned, Albert L. Robles, Star No. 2670 (hereinafter referred to as "the accused") was and is a Patrol Special Officer, appointed by the Honorable Police Commission of the City and County of San Francisco, and owner of Beat 81 in the Central Police District;

(2) As a Patrol Special Officer, the accused was and is responsible for knowing and obeying the Rules and Procedures of Patrol Special Officers and Assistant Patrol Special Officers of the San Francisco Police Department;

(3) On or about April 12, 1987, at approximately 2222 hours, a caretaker for the submarine "Pampanito", berthed at Pier 45, heard gunshots coming from the shed area on Pier 45;

(4) The caretaker observed the accused, who was in civilian dress and off-duty, aim his rifle toward the roof in the shed area on Pier 45;

(5) A female companion of the accused was aluminating the area of the roof where the accused was aiming and a pigeon was perched on a rafter;

(6) The caretaker observed the accused aim a rifle toward the roof and discharge five (5) rounds. After the fifth shot, the pigeon fell from the rafters to the floor;

(7) Officer Curtis Dowling, Star Number 1726, assigned to 3A60, responded to Pier 45 and recovered a twenty-two (.22) calibre rifle from the trunk of the accused's vehicle and the remains of the pigeon and booked both as evidence at Central Station;

(8) The accused, by discharging his weapon inside Pier 45 and killing a pigeon, while off-duty, has engaged in conduct which reflects discredit upon the department in violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

SPECIFICATION NO. 2

Engaging in conduct which reflects discredit upon the department (violation of Section 2.13 of the Rules and Procedures of Patrol Special Officers and Assistant Patrol Special Officers of the San Francisco Police Department).

(9) The allegations contained in paragraphs (1) through (8) of Specification No. 1 are hereby incorporated by reference as if fully set forth herein;

(10) The caretaker, on or about April 12, 1987, at approximately 2232 hours, called the United States Park Police to report that the accused was firing a weapon in the shed area of Pier 45;

(11) Officer Robert Herman of the United States Park Police and Wardens J. W. Beckwith, Badge Number 41, Mark Windham, Badge Number 210 and Ron Dong, Badge Number 2113, of the State Department of Fish and Game, along with additional officers from each department, responded to Pier 45 and surrounded the accused with guns drawn;

(12) The accused was in civilian dress with a handgun holstered on his hip;

(13) The responding officers ordered the accused to drop his gun belt and handgun to the floor;

(14) The accused refused to comply and demanded that a supervisor from the San Francisco Police Department respond before he would drop his weapon;

(15) Officer Dowling arrived on the scene and ordered the accused to drop his gun belt and weapon. The accused, at this time, removed his gun belt and handgun without further incident;

(16) The accused, by failing to disarm himself, when ordered to do so by Department of Fish and Game Officials and United States Park Police, who had their weapons drawn, and thus escalating an already dangerous situation, has engaged in conduct which reflects discredit upon the department, in violation of Section 2.13 of the Rules and Procedures of Patrol Special Officers and Assistant Patrol Special Officers of the San Francisco Police Department, which states:

Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, October 8, 1987, and on Thursday, October 8, 1987 the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 and Specification No. 2 as preferred by the Chief of Police against Patrol Special Officer Albert L. Robles are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

Specification No. 1	[penalty] 30 calendar days suspension
Specification No. 2	[penalty] 30 calendar days suspension

and be it further

RESOLVED, that said suspension totaling sixty (60) calendar days is to be imposed commencing Wednesday, October 28, 1987 at 0001 hours and ending Saturday, December 26, 1987 at 2400 hours; and be it further

RESOLVED, that Patrol Special Officer Albert L. Robles must obtain verification from clients on his beat that neither he nor his assistants provided patrol service for the area during this 60-day suspension.

AYES: Commissioners Davis, Nelder, Owens, Sanchez
ABSENT: Commissioner Giraudo

Recesses taken during the hearing of Patrol Special Officer Albert L. Robles:

7:13 p.m. to 7:21 p.m.
8:16 p.m. to 8:18 p.m.
9:10 p.m. to 9:18 p.m.
9:25 p.m. to 9:30 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned. at 9:30 pm

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

OCTOBER 22, 1987 Minutes REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, October 22, 1987 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

APPROVAL OF MINUTES OF SPECIAL MEETING OF JULY 15, 1987 and MINUTES OF MEETING OF JULY 16, 1987

Approval of Minutes of Special Meeting of July 15, 1987 and Minutes of Meeting of July 16, 1987, the Commissioners having received, approved and returned copies of same.

DOCUMENTS DEPT.
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APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claim against City and County of San Francisco:

RESOLUTION NO. 1335-87

HOWARD R. HERSHIPS

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Howard R. Herships in the sum of $500.00 entitled "Howard Herships vs. City and County of San Francisco" in Superior Court No. 815-029 as a result of damages sustained, be, and the same is hereby approved.

Date of Incidet May 6, 1983

AYES: Commissioners Davis, Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

POLICE COMMISSION REPORT

Commissioner Giraudo said there is no report from the Police Commission this evening.

(a) PUBLIC COMMENTS

Mr. Ed Burke, Sunshine Cab Co. and Mr. Joe Varsi, Luxor Cab Co. appeared and Mr. Burke said they were somewhat concerned about the issue of deadheading to the Airport and would like to bring up a few things that no one has considered.

Commissioner Giraudo after listening to the above parties said he would recommend that they reduce to writing their ideas and thoughts so that the Commission can consider them when he and the Chief ultimately meet with the people at the Airport they will be able to express Mr. Burke's and Mr. Varsi's concerns that he and the Chief feel are legitimate concerns.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said that the Computer Printout that they now have on the KOBAN in operation since last August shows just for the month of August 2,000 citizen contacts. 1,800, he said, were involved with tourist and people walking the streets. He said they also, at that location, issued 463 citations, took 23 incident reports and made four arrests. He said so, it does show there is tremendous use and good feedback from this KOBAN and now he wanted to alert the Commission that two more will be going on line in the month of November. One, in Japan Town which will be at Post and Buchanan on November 10, 1987 and the second at Hallidie Plaza, Powell and Market on Tuesday, November 17, 1987.

Commissioner Giraudo said he would like to go back to the Police Commission report at this time in that the Commission did receive a letter through Rotea Gilford from Randy Little, the Deputy City Attorney's Office with respect to General Order D-18, drug abuse by Police Officers. He said he did not know as to whether all of the Police Commissioners with respect to his recommendations for changes within that order and it would be appropriate thereafter to schedule for two or three weeks from today those recommendations and the actual order itself along with the Commission's response to Dr. Baselt's comments made before the Commission some weeks ago with respect to what his interpretation of what the order was. So, this way, he said, the Commission can be responsive to the Department's request and the POA's request with respect to the Commission passing or not passing upon this particular ordinance. The matter was then set for General Orders D-14 and D-18, to be heard on November 12, 1987.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Acting Director Dan Silva said that last week two persons appeared before the Commission, one Mrs. Benvenutto whose investigation has been forwarded to you and he is now monitoring the investigation of Mr. Lumpkin's case. He said the only other matter is that next week he would be requesting an Executive Session to discuss Staff concerns regarding the investigation that is being conducted by the District Attorney and Management Control into Mr. Lutes allegations.

Commissioner Giraudo said that it has been suggested that along with Proposition G that is before the voters of San Francisco that the Commission consider along with Mayor Feinstein a Press Conference announcing the arrival of Mr. Langer as the New Director of OCC and he would attempt to put that together with Mayor Dianne Feinstein and hopefully Mr. Silva will be present with Mr. Langer prior to election day with hopes that the level of consciousness of the voters of San Francisco can be raised to the fact that we do have a New Director coming aboard and that the Commission is going to endeavor once again to achieve the goals that have been set for the OCC. He said he did not have an answer yet from the Mayor's Office but as soon as he did he would inform the rest of the Commission so that they can attend, time permitting, to welcome Mr. Langer to his job.

REQUEST OF THE POLICE COMMISSION FOR APPROVAL OF THE PERMANENT APPOINTMENT OF MR. MICHAEL A. LANGER TO THE POSITION OF DIRECTOR, OFFICE OF CITIZEN COMPLAINTS

Commissioner Nelder said all this calls for is approving a resolution hiring Mr. Langer and that he would make the motion. The motion was seconded and unanimously approved.

RESOLUTION NO. 1329-87

APPOINTMENT OF MR. MICHAEL A. LANGER TO THE POSITION OF DIRECTOR, OFFICE OF CITIZEN COMPLAINTS

WHEREAS, subject to the provisions of Section 3.530-2 of the City Charter of the City and County of San Francisco, the Police Commission made the following appointment in the Office of Citizen Complaints:

EFFECTIVE AT 0800 HOURS, MONDAY, NOVEMBER 2, 1987

Michael A. Langer DIRECTOR, Office of Citizen Complaints

therefore be it

RESOLVED, that the above appointment made by the San Francisco Police Commission be, and the same is hereby approved.

AYES: Commissioners Davis, Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1330-87

SETTING OF DATE FOR HEARING OF POLICE OFFICER KEVIN L. HALL, CENTRAL STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Kevin L. Hall, Central Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Kevin L. Hall be set for December 17, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Kevin L. Hall, Central Station, is set for Thursday, December 17, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1331-87

REQUEST FOR HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF POLICE OFFICER CORA ORYALL, COMMUNICATIONS DIVISION

WHEREAS, Police Officer Cora Oryall filed an appeal on the Chief's suspension through the Police Officers' Association, and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, with the concurrence of the Police Officers' Association representing Officer Cora Oryall, that the date for the hearing be set for November 19, 1987; therefore be it

RESOLVED, that the date for the hearing on the appeal of the Chief's suspension of Police Officer Cora Oryall, Communications Division, is set for Thursday, November 19, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1332-87

REQUEST FOR HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF POLICE OFFICER ALLEN S. GIOVANNETTI, NORTHERN STATION

WHEREAS, request was received from the Police Officers' Association requesting an appeal hearing on the Chief's one day suspension of Police Officer Allen S. Giovannetti; therefore be it

RESOLVED, that the date for the setting of the hearing on the appeal of the Chief's suspension of Police Officer Allen S. Giovannetti, Northern Station, is scheduled for Thursday, October 29, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

RESOLUTION NO. 1333-87

HEARING OF DISCIPLINARY CHARGES FILED AGAINST PROBATIONARY POLICE OFFICER JAMES LEWIS, POTRERO STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Probationary Police Officer James Lewis, Potrero Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of Probationary Police Officer James Lewis be reset for January 21, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Probationary Police Officer James Lewis, Potrero Station, is set for Thursday, January 21, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Davis, Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

HEARING OF POLICE OFFICER MAURICE E. EDWARDS, POTRERO STATION

The hearing of Police Officer Maurice E. Edwards, Potrero Station, was called it having been continued from the meeting of October 15, 1987. Police Officer Maurice E. Edwards was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Police Officer Maurice E. Edwards appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Michael Gash for the San Francisco Police Department.

An opening statement was made by Mr. Stephen Whitmore on behalf of Police Officer Maurice E. Edwards.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Mr. Mark Anthony Coats, 1183 Oakdale Ave., San Francisco, CA 94124
Mr. Robert Lee Coats, Jr., Baldwin Court, San Francisco, CA 94124
Mr. Robert Lee Coats, Sr., 1183 Oakdale Ave., San Francisco, CA 94124

The following named witnesses appeared for the Defense, were sworn and testified:

Officer Maurice Edwards, Potrero Station
Captain Frank Reed, Potrero Station

Closing statements were then made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, after which the following resolution was adopted:

RESOLUTION NO. 1334-87

DECISION - HEARING OF POLICE OFFICER MAURICE E. EDWARDS, POTRERO STATION

WHEREAS, on February 3, 1987, Frank M. Jordan, Chief of Police, made and served charges against Police Officer Maurice E. Edwards as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(1) At all times herein mentioned, Maurice E. Edwards, Star Number 407, (hereinafter referred to as "the accused") was and is a police officer employed by the San Francisco Police Department and assigned to Potrero Station - Golden Gate Division;

(2) As a police officer the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about January 5, 1986, at approximately 1600 hours the accused and Officer Michael Jamison, Star No. 274 were on patrol near the intersection of Balwin Court and Oakdale Street, when they observed a crowd of people surround two teenagers who were engaged in a fist fight;

(4) The accused exited the patrol vehicle and told the two teenagers to stop fighting. The accused then physically separated the two teenagers by pushing one teenager back with his left hand and the other teenager with his right hand;

(5) As the accused separated the two combatants, one of the teenagers attempted to kick out at the other teenager with his foot, which did not strike the accused or the other combatant. The accused then drew his five cell flashlight from its holder with his right hand and hit the teenager once on the head, at which time the teenager was subdued and placed into custody;

(6) The accused by striking a teenager in the head with his flashlight in order to stop a fight has used unnecessary force in subduing a teenager and has engaged in conduct which constitutes a violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department orf any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, August 6, 1987 and Thursday, October 22, 1987, and on Thursday, October 22, 1987, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer Maurice E. Edwards, Potrero Station, as contained in Specification No. 1, violation of Rule A-9 of General Order D-1 of the San Francisco Police Department, are not sustained by the evidence presented at the hearing; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer Maurice E. Edwards has not violated Specification No. 1, Rule A-9 of General Order D-1 of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that said charges contained in Specification No. 1, Rule A-9 of General Order D-1 of the San Francisco Police Department, be, and the same are hereby dismissed.

AYES: Commissioners Davis, Giraudo, Nelder, Owens
ABSENT: Commissioner Sanchez

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

Recesses taken during the hearing of Officer Maurice E. Edwards:

6:27 p.m. to 6:38 p.m.
7:30 p.m. to 7:40 p.m.
8:42 p.m. to 8:56 p.m.

The meeting, thereafter, was adjourned.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

Minutes

OCTOBER 29, 1987 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Thursday, October 29, 1987 at 1700 hours in Closed Session.

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Commissioner Giraudo presiding.

1. Personnel Matter

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

OCTOBER 29, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, October 29, 1987 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

APPROVAL OF MINUTES OF MEETING OF JULY 23, 1987

Approval of Minutes of Meeting of July 23, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1342-87

LORRIES TAXICAB COMPANY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lorries Taxicab Company in the sum of $2,272.53 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 11, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 1343-87

ALLSTATE INSURANCE CO. (INSURED: CHUNG CHING LU)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Allstate Insurance Company, insured: Chung Ching Lu, in the sum of $1,500.95 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 28, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 1344-87

WALTER J. GOLDMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Walter J. Goldman in the sum of $809.15 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 20, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 1345-87

DANNY C. CHANG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Danny C. Chang in the sum of $458.93 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 8, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 1346-87

KERRY WEISEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kerry Weisel in the sum of $21.27 as the result of loss of property, be, and the same is hereby approved.

Date of Incident: August 3, 1987

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

POLICE COMMISSION REPORT

Commissioner Giraudo said that the Police Commission met in Closed Session this afternoon on Personnel matters and no vote was taken.

(a) PUBLIC COMMENTS

No public comments requested to be made at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had one item and that was to alert the Commission to what they may already know that the Department has open house at all District Stations this Sunday. He said they will not be giving out any kind of Proposition A campaign material or asking for votes. He said people will just be shown the District Stations and let them decide for themselves after seeing what the facilities lacked.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Acting Director Dan Silva said he just wanted to tell the Commissioners that the investigation the Commission requested by the District Attorney and Management Control is on going. He said he has been in contact with the District Attorney's Office and they expect it to be concluded shortly and the report forwarded to the Commission.

Commissioner Giraudo said he felt it is appropriate at this time for the Commission to extend its thanks to Mr. Silva who has served as the Acting Director of the OCC since approximately July 1 through this Sunday night or until 8:00 a.m., Monday morning. He said he would like to point out that the OCC has functioned in satisfactory condition under difficult times and situations over these past months. He said he personally would like to thank Dan for his continued loyalty to his job and his patience which he (Commissioner Giraudo) feels has been tried beyond most human being's ability to withstand that kind of controversy, if you will, and conflict. He said so, on a positive note, he would like to commend Dan and congratulate him on the job that he has done and look forward to seeing him working with the new Director and getting him acquainted with the job and the situation he in turn will be facing. He said he wanted to assure Dan that his expertise and dedication to the OCC Job has been most appreciated by this Commission and he did not want this evening to go by without letting him know that.

Commissioner Nelder said he just wanted to add that he would suggest that Lt. Frazier draw up a letter according to Commissioner Giraudo's remarks that can be placed in Mr. Silva's personnel file otherwise, there would be no permanent record on his satisfactory and fine work during the interim.

Commissioner Sanchez said he would also like to concur with the President and his colleague pertaining to the comments on Acting Director Dan Silva. He said he would also like to note that Dan was one of the first people who came aboard when the OCC first became implemented and has acted as an executive officer of a very tough clinical trial over the years and has always maintained his sense of professionalism, objectivity and sense of humor and it has made a difference. He said he also concurs and wishes Dan well and know that he will continue to play a most important roll in the overall oversight of that critical office.

Dan Silva said he wanted to thank the Commissioners very much, that he has enjoyed it and he feels that San Francisco as a whole has probably learned a great deal about the operation of the OCC, its problems and where one should go regarding civilian review in the future. He said he is committed to civilian review of police agencies and very critical of conduct that does not reflect the type of behaviour that San Francisco deserves. He said it has been difficult for the OCC and it has received very good support from the Commission especially in the last six or seven months. He said it is his personal opinion that the Department has in fact some problems but it is one of the finest Police Departments in the Country and he has the utmost respect for Chief Jordan and Deputy Chief Casey for the cooperation and concern they have extended to the OCC task.

RESOLUTION NO. 1339-87

SETTING OF DATE FOR HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF POLICE OFFICER ALLEN S. GIOVANNETTI, NORTHERN STATION

WHEREAS, the date for the setting of the hearing on the request for hearing on the appeal of the Chief's suspension of Police Officer Allen S. Giovannetti, Northern Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Officer Steve Johnson, Police Officers' Association, representing Officer Allen S. Giovannetti, that the date for the hearing on the appeal of the Chief's suspension of Police Officer Allen S. Giovannetti be set for November 12, 1987; therefore be it

RESOLVED, that the date for the hearing on the appeal of the Chief's suspension of Police Officer Allen S. Giovannetti, Northern Station, is set for Thursday, November 12, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

RESOLUTION NO. 1337-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER ALEXA A. RAYMER, INGLESIDE STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Alexa A. Raymer, Ingleside Station, as follows:

SPECIFICATION NO. 1

Members shall not falsely report themselves sick or injured (violation of Rule B-3 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior officers truthfully and without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Alexa A. Raymer, Ingleside Station, is scheduled for Thursday, November 5, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

PRESENTATION OF CITIZEN AWARDS

Commissioner Giraudo then read the following: "The Honorable members of the Police Commission along with Police Chief Frank Jordan are honored to officially recognize the courageous actions of the following citizens who in many cases risked their lives in assisting others. Since these outstanding acts demonstrated a real concern for the need of others, we, who are present here tonight, wish to thank them for their valor in participating in these risk taking events."

The following citizens were called forward, a brief statement read as to why they received recognition for a Citizens Award and then Certificates were presented to them by the Commission and the Chief.

Mr. Walter A. Golden
Mr. Terrence Moran
Mr. Francis L. Waukazoo
Mr. Nikos Pan Stravrianakis
Mr. Harris Poley

RESOLUTION NO. 1338-87

NEW DEPARTMENT GENERAL ORDER D-16, "PERFORMANCE EVALUATION - INSPECTORS AND ASSISTANT INSPECTORS"

RESOLVED, that the Police Commission hereby approves new General Order D-16, "Performance Evaluation - Inspectors and Assistant Inspectors".

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION AMENDING PART II, CHAPTER VIII, SAN FRANCISCO MUNICIPAL CODE (POLICE CODE), BY ADDING SECTION 20 PROHIBITING CROSSING OF POLICE LINES

Captain Tom O'Donnell said he originally submitted the memo requesting this legislation because of a need that was perceived by him and the other personnel at Northern Station. He said this was because of the numerous demonstrations they have in that district. He said the primary reason for this was because of the demonstrations at both the Chinese Consulate and the Soviet Consulate, and because of the frequency where they have to respond and police it, the last one being approximately six hours ago. He said the big issue he sees is that when people engage in Civil Disobedience when police barricades are set prior to the demonstration time people would disobey the orders of the officers not to cross lines and they would be charged with 148 of the Police Code or obstructing the Officers. He said this proposed legislation would more suitably address the situation rather than resisting arrest or obstructing arrest.

Mr. John Crew, ACLU, said they had concerns about it and believe that this ordinance would be a giant step backwards in San Francisco. One, he said its unnecessary, secondly he said it could be very unfair and could be abused and finally he said as a legal matter they have some serious concerns about the constitutionality of the ordinance.

Mr. Mark Coby, Demonstrations Committee of the National Lawyers Guild said he would concur with what Mr. Crew said. He said the statute as written is so wide open to interpretation that it is felt that there are no guidelines to it at all.

Patricia Warner Cullen, National Lawyers Guild, said she came to this meeting to speak against the legislation because she was concerned about the free speech implications. She said it places a different and additional burden on people exercising free speech. She said while there are times the Police has good cause for such barricades based on public safety concerns the actions of demonstrators are still the free speech and exercise of First Amendment Rights and are paramount in this respect.

Commissioner Nelder said that he would like to take another week to look at some of the statutes involved and study some of the comments made tonight and therefore would make a motion to continue it for one week. The motion was seconded and unanimously approved for one week continuance.

HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF POLICE OFFICER PHILLIP BURTON, MISSION STATION

The hearing of the appeal of the Chief's suspension of Police Officer Phillip Burton, formerly at Southern Station, now at Mission Station, was called it having been continued from the meeting of September 24, 1987.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Phillip Burton appeared in person and was represented by Officer Dan Linehan, Police Officers' Association.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Police Officer Dan Linehan, Police Officers' Association, on behalf of Officer Phillip Burton.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Officer Barry Castel, Company B
Sergeant Robert R. Crosat, Company B
Lieutenant Anthony Balzer, Company B

The following named witness appeared for the Defense, was sworn and testified:

Officer Phillip Burton, Company D

Closing statements were made by both Mr. Michael Gash and Officer Dan Linehan.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 1340-87

DECISION - HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER PHILLIP BURTON, MISSION STATION

It is the decision of the Commission that the Chief's suspension of Officer Phillip Burton for five (5) working days is sustained.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

Recess taken during the hearing on the appeal of the Chief's suspension of Officer Phillip Burton:

8:59 p.m. to 9:04 p.m.

(The entire proceesings were taken in shorthand form by Ms. Linda Pransky, CSR.)

RESOLUTION NO. 1341-87

HEARING OF DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER ROBERT J. RIBEIRO, CENTRAL STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Robert J. Ribeiro, Central Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Malcolm J. Rainsford, Attorney at Law, representing Officer Robert J. Ribeiro, that the date for the hearing of Officer Ribeiro be continued to December 3, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Robert J. Ribeiro, Central Station, is hereby continued to thursday, December 3, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Sanchez
ABSENT: Commissioners Davis, Owens

The meeting, thereafter, was adjourned at 8:30 p.m.

Willie E. Frazier

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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NOVEMBER 5, 1987 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Thursday, November 5, 1988 at 1700 hours in Closed Session

Commissioner Giraudo presiding.

1. Personnel Matter

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

NOVEMBER 5, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, November 5, 1987 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

APPROVAL OF MINUTES OF SPECIAL MEETING OF JULY 29, 1987

Approval of Minutes of Special Meeting of July 29, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1354-87

FRANCISCA M. AVILA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Francisca M. Avila in the sum of $900.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Davis, Sanchez

RESOLUTION NO. 1355-87

LAWRENCE DOUGLAS WEI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lawrence Douglas Wei in the sum of $500.00 as a result of a damages and injuries sustained, be, and the same is hereby approved.

Date of Incident: February 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1356-87

ELIAS WEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elias Wen in the sum of $165.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 6, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1357-87

THE CITY TOW (HUSSEIN [FORSTAR], MARGARET)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Hussein [Forstar], Margaret) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1358-87

CITY TOW (TOWEE: DONNIE L. BELL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Towee: Donnie L. Bell) in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1359-87

PAUL LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul Lee in the sum of $150.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1360-87

CITY TOW (TOWEE: ORLANDO A. FONSICA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Towee: Orlando A. Fonsica) in the sum of $140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1361-87

CHRISTOPHER ROSS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christopher Ross in the sum of $140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1362-87

TABITHA DONIACH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tabitha Doniach in the sum of $140.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 15, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1363-87

GINA BROZSKY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gina Brozsky in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 25, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1364-87

JORDAN E. RITTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jordan E. Ritter in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 13, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1365-87

CYNTHIA O'NEILL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cynthia O'Neill in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 13, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1366-87

NERIO DE GRACIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nerio de Gracia in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1367-87

THE CITY TOW (KELLY, GERI)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Kelly, Gery) in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 8, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1368-87

JEANNE OAKLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeanne Oakley in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1369-87

NANCY A. RUSSELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Nancy A. Russell in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1370-87

REBECCA BICKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rebecca Bicker in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 30, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1371-87

JEFF DAVIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jeff Davis in the sum of $125.00 as a result of a faulty tow, be and the same is hereby approved.

Date of Incident: September 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1372-87

LAUREN L. WELLFORD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lauren L. Wellford in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 29, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1373-87

KENNETH WRIGHT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kenneth Wright in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 15, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1374-87

PETER DECK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Peter Deck in the sum of $115.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 22, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1375-87

GLORIA FONTANELLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gloria Fontanello in the sum of $105.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 29, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1376-87

MIGUEL V. SMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Miguel V. Smith in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 16, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1377-87

JADE TRAVERS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jade Travers in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 16, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1378-87

GREG MONTANA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Greg Montana in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 29, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1379-87

DAVID GABRIEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Gabriel in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1380-87

ERIC RANGEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eric Rangel in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 29, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1381-87

IRENE E. SMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Irene E. Smith in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1382-87

STEPHEN R. DILICK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephen R. Dilick in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 11, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1383-87

MARK E. EVANS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark E. Evans in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1384-87

MARVIN CAMPBELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marvin Campbell in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 5, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1385-87

JOHN AVERY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Avery in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 2, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1386-87

CHRISTINE DECROOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christine Decroos in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1387-87

CHARLOTTE KNABEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charlotte Knabel in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 15, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1388-87

REBECCA ISAACS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rebecca Isaacs in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1389-87

CYNTHIA GRAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cynthia Gray in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 29, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1390-87

LISA NG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lisa Ng in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 15, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1392-87

ALAN GIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alan Gin in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1393-87

GARRY BELENKY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Garry Belenky in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1394-87

CEFERINA CRUZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ceferina Cruz in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1394-87

MARY CHOY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Choy in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 6, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1395-87

THOMAS J. DONOVAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas J. Donovan in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1396-87

STEPHANIE SAGADIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephanie Sagadin in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1397-87

THERESA TAULBEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Theresa Taulbee in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 27, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1398-87

RICHARD R. ADLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard R. Adler in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1399-87

REGINA ANTHONY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Regina Anthony in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 5, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1400-87

ELISABETH HENRICH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elisabeth Henrich in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1401-87

MARY KEOWN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Keown in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Septebmer 25, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1402-87

ALAN LIANG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alan Liang in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1403-87

MARION PAYNE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marion Payne in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 11, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1404-87

JIRI WEISS, JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jiri Weiss, Jr. in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 1, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1405-87

YELLOW CAB CO-OP, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Yellow Cab Co-op, Inc. in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 4, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1406-87

THE CITY TOW (GREGSON, PAUL)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Gregson, Paul) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1407-87

THE CITY TOW (INGRAM, SHIRLEY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Ingram, Shirley) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1408-87

THE CITY TOW (RAMIREZ, MARIA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Ramirez, Maria) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1409-87

THE CITY TOW (WEBSTER, STEPHEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Webster, Stephen) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1410-87

THE CITY TOW (WATKINS, WILLIAM)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Watkins, William) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 8, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1411-87

THE CITY TOW (SERRANO, AGUSTIN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Serrano, Agustin) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 7, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1412-87

THE CITY TOW (SCHAD, WILLIAM)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Schad, William) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 8, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1413-87

CITY TOW (TOWEE: ESPINOSA, SONIA)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Towee: Espinosa, Sonia) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1414-87

CITY TOW (TOWEE: GARY M. LEACH)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Towee: Gary M. Leach) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 7, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1415-87

CITY TOW (TOWEE: THEDORE A. PEDERSEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Towee: Thedore A. Pedersen) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1416-87

CITY TOW (TOWEE: CROSFIELD, RICHARD A.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Towee: Crosfield, Richard A.) in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 1, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1417-87

MARISSA ROCHE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marissa Roche in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 8, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1418-87

DONNA C. TURNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donna C. Turner in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1419-87

BEVERLY HOUSTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Beverly Houston in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1420-87

MARJORIE LICHTENSTEIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marjorie Lichtenstein in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1421-87

CITY TOW (TOWEE: BONNI H. EVENSEN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Towee: Bonni H. Evensen) in the sum of $95.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 29, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1422-87

ROBERT A. DELUCA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert A. Deluca in the sum of $90.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1423-87

LAWRENCE GARCIA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lawrence Garcia in the sum of $90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1424-87

STEVEN McCALL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steven McCall in the sum of $90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 11, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1425-87

HAROLD TANG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harold Tang in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1426-87

CHARLES A. OLSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles A. Olson in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 28, 1987

AYES: Commissioners Giraudo, Nelder, owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1427-87

DONNA LEUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Donna Leung in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 25, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1428-87

KATHLEEN HANNA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kathleen Hanna in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Closed Session on a Personnel Matter and no vote was taken. He said there is nothing else to report.

(a) PUBLIC COMMENTS

Mr. John Crew, American Civil Liberties Union (ACLU) said that on behalf of the Proposition G Committee they wanted to extend their extreme thanks for the Commission's support and help in passing Proposition G to get rid of the OCC's Budget Cap. He said their campaign committee ran a very frugal campaign and made sure that they did not use any more votes than were absolutely crucial in putting them over the top.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he would like to publicly congratulate the Commission for its support of Proposition A which was overwhelmingly supported by the citizenry of San Francisco. He said he would also like to publicly thank and congratulate the citizens of San Francisco as well. He said the Proposition received a 75% vote of confidence and that they are very pleased to see now that the 28 million dollar bond issue will go through and that all of police facilities will be upgraded as quickly as possible.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, new Director of OCC, said he would just like to report that he is in the process of evaluating the Office. He said their statistical report which is due now will be available next week and they are in the process of revising that report and he is learning as much about the Office as he possibly can in the limited amount of time that he has been there. He said the second issue is that they received a complaint against two of their personnel from Management Control yesterday concerning an allegation of misconduct and he was handling an initial interview with the female complainant now looking to the Board for guidance.

Commissioner Giraudo said it would be his opinion that Management Control has no authority or it is beyond the bounds of their investigative authority. He said he would ask that Mr. Langer conduct the investigation of the complaint and report back to the Commission in one week. Commissioner Giraudo said thereafter that the Commission presented Mr. Langer to the Press today and introduced him to the City of San Francisco through the media and he would like to again welcome him and tell him that the Police Commission will do everything it possibly can to give him the support which he needs. He said he thinks the passage of Proposition G will have an impact on what the Director of OCC will be able to do from a budgetary point of view. He said he looked forward to Mr. Langer's analysis and assessment of what the Office is and what it can do and what it will take to make it better.

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION AMENDING PART II, CHAPTER VIII, SAN FRANCISCO MUNICIPAL CODE (POLICE CODE), BY ADDING SECTION 20 PROHIBITING CROSSING OF POLICE LINES

Chief Jordan said this matter was delayed one week in terms of Commissioner Nelder evaluating a couple of other items that came up during discussions that the Commissioner wanted to be sure of or before it was delayed further.

Commissioner Nelder said he felt this matter should be considered by the entire Commission. He said some of the Commissioners haven't had time to go into it and that he spoke to it last week and there was some strong opposition. He said the Commission has now received additional communication on this matter and he still had some questions on his mind and that Mr. Crew, ACLU, and people from the Bar Association also has some questions. He said he felt this matter should be put over for two weeks which would give the Commission and others, additional time to study it because additional questions have been raised.

Commissioner Giraudo said he felt also that it would be helpful to have a representative here from Legal to respond to the concerns that have been expressed by all of the groups that the Commission has received letters from. He said he would like to have something in writing from them with respect to the constitutional arguments and the chilling effect that this particular law may have on First Amendment Rights, etcetera.

RESOLUTION NO. 1347-87

SETTING OF DATE FOR HEARING OF DISCIPLINARY CHARGES AGAINST POLICE OFFICER ALEXA A. RAYMER, INGLESIDE STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Alexa A. Raymer, Ingleside Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Alexa A. Raymer be set for January 28, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Alexa A. Raymer, Ingleside Station, is set for Thursday, January 28, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1348-87

RESETTING OF DATE FOR HEARING OF POLICE OFFICER KEVIN L. HALL, CENTRAL STATION

WHEREAS, the date for the resetting of the hearing of the disciplinary charges filed against Police Officer Kevin L. Hall, Central Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Kevin L. Hall be reset for November 12, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Kevin L. Hall, Central Station, is set for Thursday, November 12, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Davis, Sanchez

RESOLUTION NO. 1349-87

RESETTING OF DATE FOR HEARING OF POLICE OFFICER STEPHEN RIST, CENTRAL STATION

WHEREAS, the date for the resetting of the hearing of the disciplinary charges filed against Police Officer Stephen Rist, Central Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Stephen Rist be reset for November 12, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Stephen Rist, Central Station, is set for Thursday, November 12, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Davis, Sanchez

RESOLUTION NO. 1350-87

RESETTING OF DATE FOR HEARING OF POLICE OFFICER CLINTON COOPER, CENTRAL STATION

WHEREAS, the date for the resetting of the hearing of the disciplinary charges filed against Police Officer Clinton Cooper, Communications Division, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Clinton Cooper be reset for December 17, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Clinton Cooper, Communications Division, is set for Thursday, December 17, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioner Davis, Sanchez

RESOLUTION NO. 1351-87

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - POLICE OFFICER ROBERT J. RIBEIRO, CENTRAL STATION

WHEREAS, Police Officer Robert J. Ribeiro, Central Station, was suspended without pay effective 1600 hours on June 25, 1987, pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Robert J. Ribeiro has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Robert J. Ribeiro, Central Station, be placed on Leave of Absence Without Pay at his request for a period of seventy-seven (77) days commencing August 13, 1987 through October 29, 1987, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1352-87

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - POLICE OFFICER ROBERT J. RIBEIRO, CENTRAL STATION

WHEREAS, Police Officer Robert J. Ribeiro, Central Station, was suspended without pay effective 1600 hours on June 25, 1987, pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Robert J. Ribeiro has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Robert J. Ribeiro, Central Station, be placed on Leave of Absence Without Pay at his request for a period of thirty-six (36) days commencing October 29, 1987 through December 3, 1987, inclusive, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

PUBLIC HEARING ON PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF TAXICAB PERMITS

Lt. Gregory Winters, General Office Division, said that pursuant to past resolutions of the Commission and Appendix F of the Charter this will be the 1987 Hearings on Public Convenience and Necessity (PC&N) for Taxicabs. He said notice of this hearing was given to all interested parties in a letter dated October 8th, 1987 and mailed that date by this department.

Commissioner Giraudo said that the Commission just finished a rather lengthy process on PC&N approximately six weeks ago and he, for one, felt the volumes of written and verbal documentation received from all concerned parties that any such hearing tonight would be redundant and unnecessary. He said he can't believe that the Commission would now have six weeks later a demonstration that PC&N demanded additional cabs or any variation at this time. He said it would be his intention to continue this matter for some period of time.

Commissioner Nelder said he would make a motion that parties submit written documentation to the Commission on PC&N by December 3, with the actual hearing on PC&N taking place December 17th.

Thereafter, Lt. Winters addressed the Commission and said that at the conclusion of the last set of hearings on PC&N the Commission gave the Department directions to explore and report on several aspects of a resolution that was adopted by the Commission. He said in respect to a taxidriver dress code a proposal has been submitted through channels to the Commission, secondly he said on the issue of zone fares the Department found only one major jurisdiction in the country that has taxicab zone fares and that is Washington, D.C. and there are indications that they are going away from that. And thirdly, he said, on the issue of funding the taxidrive improvement program he said the Permit Section is working in conjunction with the Police Academy to have a no cost taxicab class that would be supported by vis a vis application tuition fees by the drivers themselves. He said this proposal should be ready in three weeks to submit to the Commission for its review. He said as far as the rest of the recommendations they are moving forward on those and the first group of new applicants will be before the Commission next week.

HEARING OF POLICE OFFICER JEAN J. POWERS, INGLESIDE STATION

The hearing of the disciplinary charges filed against Police Officer Jean J. Powers, Ingleside Station, was called it having been set for this date. Police Officer Jean J. Powers was charged with violating the Rules and Procedures as follows:

SPECIFICATION NO. 1

Failure to obey the lawful order of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the Department, or which reflects discredit upon the Department. (Violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

in a properly verified complaint by Frank M. Jordan, Chief of Police of the San Francisco Police Department.

Police Officer Jean J. Powers appeared in person and was represented by Mr. William Murphy, Attorney at Law.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was waived by Mr. William Murphy, Attorney for the Defense.

The following named witness was called by the Prosecution, was sworn and testified:

Sergeant Sharon F. Hiller, Company H

The following named witnesses were called by the Defense, were sworn and testified:

Officer Ronald Banta, Company H
Officer John Erlich, Company H
Sergeant Charles Siani, Company H
Officer Jean J. Powers, Company H

The following exhibits were entered into evidence by the Defense:

Exhibit A	Memo dated 5/31/87 from Sgt. S. Hiller to Capt. Philpott, subject: Insubordination of Officer Jean Powers
Exhibit B	CAD Printout, Unit 3H2E, 5/30/87

Closing statements were made by both Prosecuting and Defense Attorneys.

The Commission took the matter under submission, recessed and returned, concluding that Specification No. 1 and Specification No. 2 are sustained.

Based on those findings, the Commission requested a recommendation from Chief of Police Frank M. Jordan. It is the recommendation of the Chief that Police Officer Jean J. Powers be suspended thirty (30) days for Specification No. 1 and fifteen (15) days for Specification No. 2, for a total of forty-five (45) days suspension.

The Commission again took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 1353-87

DECISION - HEARING OF POLICE OFFICER JEAN J. POWERS, INGLESIDE STATION

WHEREAS, on August 4, 1987, Frank M. Jordan, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer Jean J. Powers as follows:

SPECIFICATION NO. 1

Failure to obey the lawful order of a superior (violation of Rule A-11 of General Order D-1 of the San Francisco Police Department);

(1) At all times herein mentioned, Jean J. Powers, Star No. 2226 (hereinafter referred to as "the accused") was and is a Police Officer, employed by the San Francisco Police Department. Officer Powers is assigned to the Golden Gate Division - Ingleside Station;

(2) As a police officer, the accused was and is responsible for knowing and obeying the rules, orders and procedures of the San Francisco Police Department;

(3) On or about May 30, 1987, at approximately 0521 hours, Sergeant Sharon Hiller, Star No. 1649, ordered the accused to transport the arrest reports of four prisoners to the Hall of Justice;

(4) The accused ignored Sergeant Hiller's order and proceeded into the business office to use the phone;

(5) Sergeant Hiller followed the accused into the business office and twice more, ordered the accused to take the arrest reports to the Hall of Justice;

(6) The accused, again ignored Sergeant Hiller's orders and after finishing a telephone conversation, the accused walked out of the station;

(7) The accused later returned to the station and was asked by Sergeant Hiller if he understood that she had given him a direct order. The accused ignored Sergeant Hiller once again;

(8) The accused, by failing to obey the lawful orders of a superior, has engaged in conduct which constitutes a violation of Rule A-11 of General Order D-1 of the San Francisco Police Department, which states:

"Members shall promptly obey all lawful orders of superiors. If a member is given an order which conflicts with previous orders or with written directives, the member shall advise the superior of the conflict and proceed accordingly to the superior's directions."

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency, or discipline of the Department, or which reflects discredit upon the Department (Violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

(9) The allegations contained in Specification No. 1, paragraphs (1) through (8) are incorporated by reference as if fully set forth herein;

(10) The accused, on or about May 30, 1987, was ordered, on at least four (4) occasions by Sergeant Hiller, to transport the arrest reports of four prisoners to the Hall of Justice. On each occasion, the accused ignored Sergeant Hiller's order;

(11) The accused ignored Sergeant Hiller's orders in the presence of several officers who were in the assembly area and business office at Ingleside Station;

(12) The accused, by ignoring Sergeant Hiller's orders, in the presence of other officers, has engaged in conduct which tends to subvert the good order, efficiency or discipline of the department, in violation of Rule A-9 of General Order D-1, of the San Francisco Police Department, which states:

"Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any member thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficer-like conduct triable and punishable by the Board."

and

WHEREAS, a hearing on said charges was held before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Thursday, November 5, 1987, and on Thursday, November 5, 1987, the matter was submitted to the Police Commission for decision; and

WHEREAS, the Commission finds that the allegations contained in Specification No. 1 and Specification No. 2 as preferred by the Chief of Police against Police Officer Jean J. Powers are sustained by a preponderance of evidence presented; therefore be it

RESOLVED, that based on these findings, consistent with the Commission's duty to protect the health, safety and general welfare of the citizens of the City and County of San Francisco and the public in general, and in order to promote efficiency and good discipline in the San Francisco Police Department, the Commission orders the following discipline be imposed:

Specification No. 1 [penalty]
30 calendar days
suspension

Specification No. 2 [penalty]
15 days suspension
to be held in abeyance
for one year

and be it further

RESOLVED, that said suspension of thirty (30) calendar days is to be imposed commencing Friday, November 6, 1987 at 0001 hours and ending Saturday, December 5, 1987 at 2400 hours. If any violations occur during the one year period, the 15 days held in abeyance will automatically be imposed.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

Recesses taken during the hearing of Police Officer Jean J. Powers:

7:10 p.m. to 7:24 p.m.
8:11 p.m. to 8:20 p.m.
8:21 p.m. to 8:30 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 8:40 p.m. in memory of Police Officer Michael McFadden and Police Officer Martin Casey.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

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≡ Minutes

NOVEMBER 12, 1987 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Thursday, November 12, 1987 at 1700 hours in Closed Session.

Commissioner Giraudo presiding.

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1. Attorney-Client Conference

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

NOVEMBER 12, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, November 12, 1987 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

APPROVAL OF MINUTES OF MEETING OF JULY 30, 1987

Approval of Minutes of Meeting of July 30, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1439-87

ANDREW K. NIELSEN vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Andrew K. Nielsen in the sum of $35,000.00 entitled "Andrew K. Nielsen vs. City and County of San Francisco, et al" in U.S. District Court No. C86-3705 WWS as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 15, 1982

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1440-87

WILLODEAN BABINEAU vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Willodean Babineau in the sum of $35,000.00 entitled "Willodean Babineau vs. City and County of San Francisco, et al" in Superior Court No. 833-486 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 22, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1465-87

USULA HAGEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Usula Hagen in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 7, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1466-87

LUIS KRYSTAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Luis Krystal in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 30, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1467-87

EARTHA McCLELLAND

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eartha McClelland in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1468-87

ANTONIO WINGFAI TAM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Antonio Wingfai Tam in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1469-87

PORTER J. TAYLOR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Porter J. Taylor in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 26, 1984

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1441-87

MANUAL D. ROSALES vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Manual D. Rosales, et al in the sum of $19,000.00 entitled "Manuel D. Rosales, Maria Rosales, et al" in Superior Court No. 869-391 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 14, 1986

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1442-87

ARTHUR AND CLARA HUGHES vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Arthur and Clara Hughes in the sum of $15,000.00 entitled "Arthur and Clara Hughes vs. City and County of San Francisco, et al" in Superior Court No. 828-019 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 3, 1983

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1443-87

ANNETTE BRATCHER vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Annette Bratcher in the sum of $6,000.00 entitled "Annette Bratcher vs. City and County of San Francisco, et al" in Superior Court No. 849-608 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 18, 1985

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1444-87

RHONDA AMONS, JACQUELYN GRAVES and AUTUMN DAVIS vs. CITY AND COUNTY OF SAN FRANCISCO

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Rhonda Amons, Jacquelyn Graves and Autumn Davis in the sum of $6,000 (total) entitled "Rhonda Amons, Jacquelyn Graves and Autumn Davis vs. City and County of San Francisco, et al" in Superior Court No. 833-390 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 9, 1984

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1445-87

ELLEN CHING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ellen Ching in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1446-87

SYLVIA HO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sylvia Ho in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 1, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1447-87

VELMA L. WISE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Velma L. Wise in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1448-87

RON STRAHAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ron Strahan in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 25, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1449-87

BARNEY POPKIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barney Popkin in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: Septemer 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1450-87

DAVID MILLMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Millman in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 28, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1451-87

ANUPAM MEHRA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anupam Mehra in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1452-87

VALERIE A. MANGUAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Valerie A. Mangual in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 24, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1453-87

KIM FOO MAH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kim Foo Mah in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 25, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1454-87

BRIDGET JAMEISON LAWHON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bridget Jameison Lawhon in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 7, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1455-87

VERONICA DELGADO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Veronica Delgado in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 30, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1456-87

PHOEBE BROOKBANK

RESOLVED, That the recommendation of the City Attorney for settlement of the claim of Phoebe Brookbank in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1457-87

GLORIA BERLANDT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gloria Berlandt in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 31, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1458-87

EDITH D. ALLISON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edith D. Allison in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1459-87

JOAN K. ADAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joan K. Adams in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 27, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1460-87

HUSSAM ABUKHALAF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hussam Abukhalaf in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 28, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1461-87

AARON BITTERMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Aaron Bitterman in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1462-87

DELBERT SHIZUTO DOI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Delbert Shizuto Doi in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 2, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1463-87

SUSAN DRESE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan Drese in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1464-87

LEORA EISENBERG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Leora Eisenberg in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1470-87

STEPHEN W. C. WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephen W. C. Wong in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1471-87

MEI KING WOO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mei King Woo in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1472-87

CITY TOW (TOWEE: CLEO M. NORRIS)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Towee: Cleo M. Norris) in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 31, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1473-87

CITY TOW (TOWEE: HUTCHINS, FRANK J.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Towee: Hutchins, Frank J.) in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1474-87

CITY TOW (TOWEE: CHAVEZ, GARY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Towee: Chavez, Gary) in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 20, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1475-87

CITY TOW (TOWEE: RUSSELL, JIMMY)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Towee: Russell, Jimmy) in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1476-87

THE CITY TOW (MARCO, GREGG)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Marco, Gregg) in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1477-87

THE CITY TOW (CAMARA, DAVE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Camara, Dave) in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1478-87

THE CITY TOW (DITO, PHILIP)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Dito, Philip) in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1479-87

THE CITY TOW (WEIL, JEFFREY H.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Weil, Jeffrey H.) in the sum of $20.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 20, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1480-87

MILES K. CORBIN

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of Miles K. Corbin in the sum of $80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1481-87

ROBERT GERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Gerson in the sum of $80.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 24, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1482-87

MARK ELDERKIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Elderkin in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1483-87

ERIC MUHS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eric Muhs in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 13, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1484-87

JIM MANNIX

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jim Mannix in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 2, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1485-87

TARO IZAWA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Taro Izawa in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 1, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1486-87

DON HULME

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Don Hulme in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 8, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1487-87

KATHERINE HILL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Katherine Hill in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1488-87

KENNETH CROFT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kenneth Croft in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 31, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1489-87

FRANCES YEUNG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frances Yeung in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1490-87

JANICE WASHINGTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Janice Washington in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1491-87

TED THACKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ted Thacker in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1492-87

JESSE TEPPER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jesse Tepper in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1493-87

JOHN R. SOEHLKE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John R. Soehlke in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 6, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1494-87

AVELINO N. ACU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Avelino N. Acu in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1495-87

PHILIP BOUCHARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Philip Bouchard in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 16, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1496-87

MICHAEL DREEBIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Dreebin in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1497-87

SEAN K. OLHAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sean K. Olhan in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1498-87

RICHARD PERUCKI

RESOLVED, that the recommendation of the City Attorney for the settlement of the claim of Richard Perucki in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1499-87

CATHY L. CHINN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cathy L. Chinn in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1500-87

CYNTHIA TRUONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cynthia Truong in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1501-87

JONATHAN R. VISBAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jonathan R. Visbal in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1502-87

FRANCIS J. HAGGERTY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Francis J. Haggerty in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 28, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1503-87

JOANNE LEE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joanne Lee in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1504-87

JAMES LEATHERMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Leatherman in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1505-87

JULIJANA JANICH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Julijana Janich in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 27, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1506-87

GEOFFREY GALLEGOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Geoffrey Gallegos in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 27, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1507-87

MICHAEL KARAS DAVIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Karas Davis in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1508-87

KANWAR CHADHA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kanwar Chadha in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 25, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1509-87

JAMES C. BOHMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James C. Bohman in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

POLICE COMMISSION REPORT

Commissioner Giraudo announced that the Police Commission met in Closed Session this afternoon in an Attorney-Client Conference and no votes were taken.

(a) PUBLIC COMMENTS

No public comments were made at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Jordan said he just wanted to update the Commission on the opening of the KOBAN in Japan Town. He said this occurred on Tuesday the 10th of November and it is now functioning five days a week from 1:00 p.m. to 9:00 p.m. at the request of the Japan Center Merchants Association. He said there were 117 people in the Japanese Community who donated funds to build this particular KOBAN and it is of interest to note, he said, 63 were senior citizens who gave from one (1) to five (5) dollars each just to show their support and participation.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Michael Langer, Director of the OCC said they have submitted their statistical report to the Commission and he would ask that the Commission peruse it and if there are any questions and if there are any changes the Commission would like to see in the format or categories please advise. He said in addition, he had the opportunity to get out this week and meet with two groups and he and Staff are beginning to formulate some policy and procedural recommendations which will be forthcoming to the Commission for approval.

Commissioner Giraudo advised Mr. Langer that the Commission received the statistical report this date and if he had made some changes he should return and comment next Thursday on what changes that have been made and what he expects to achieve with those statistical reports. Mr. Langer said he would also like to say that he had one other matter to report in that investigation he was conducting regarding the complaint against some of his staff members has not yet been completed and he will report back to the Commission on this by next week.

In response to a question on the groups Mr. Langer met with from Commissioner Owens, Mr. Langer said the two groups he had met with earlier were the American Civil Liberties Union (ACLU) group in Mr. John Crew's Office and he addressed, this afternoon, a group at the Public Defender's Staff meeting.

RECOMMENDATIONS OF THE AWARDS COMMITTEE

Commissioner Nelder said he would move approval with a subsequent date for presentation to be set at a later time. Commissioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 1433-87

AWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following named members of the Police Department have been commended for courageous service under the provisions of General Order O-5, Section 1-A and 1-B of the San Francisco Police Department, as approved by the Awards Committee on Friday, November 6, 1987; and

WHEREAS, Chief of Police Frank M. Jordan has recommended to the Police Commission that said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Police Officer William A. Canning is hereby awarded the Silver Medal of Valor and granted a reward of $300.00 as provided for under said Section of the Charter; and be it further

RESOLVED, that Sergeant John Troche', Officer Nikolaus Borthne, Officer George Cima, Officer Mario Delgadillo, Officer Michael Gaynor, Officer Mary Heffernan, Officer Donald Hicks, Officer Matthew Krimsky, Officer Mark H. Madsen and Officer Mark Mino, be, and they are hereby granted Bronze Medals of Valor and granted a reward of $150.00 each, as provided for under said Section of the Charter; and be it further

RESOLVED, that Inspector Samuel G. Hamilton, Inspector William F. Marweg, Officer Robert Almstead, Officer Robert Brodnik, Officer James Deely and Officer Mark McDonough, be, and they are awarded Meritorious Conduct Awards and granted a reward of $150.00 each, as provided for under said Section of the Charter.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1434-87

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION GRANT A TAXI MEDALLION PERMIT TO MR. LAWRENCE V. RUSSELL

WHEREAS, Lawrence V. Russell appeared at a Public Convenience and Necessity hearing held on Thursday, November 12, 1987; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Thursday, November 12, 1987, based on the record received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of a certain number of motor vehicle for hire permits; and

WHEREAS, prior to the emergence of Proposition K, there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Police Commission, pursuant to Resolution No. 283-84, dated March 29, 1984, has set the number at 761 taxicab permits for the City and County of San Francisco; therefore be it

RESOLVED, that Lawrence V. Russell appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Lawrence V. Russell.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1435-87

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION GRANT A TAXI MEDALLION PERMIT TO MR. ROBERT WESTERMEYER

WHEREAS, Robert Westermeyer appeared at a Public Convenience and Necessity hearing held on Thursday, November 12, 1987; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Thursday, November 12, 1987, based on the record received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of a certain number of motor vehicle for hire permits; and

WHEREAS, prior to the emergence of Proposition K, there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Police Commission, pursuant to Resolution No. 283-84, dated March 29, 1984, has set the number at 761 taxicab permits for the City and County of San Francisco; therefore be it

RESOLVED, that Robert Westermeyer appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Robert Westermeyer.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1436-87

RECOMMENDATION OF THE CHIEF THAT THE POLICE COMMISSION GRANT A TAXI MEDALLION PERMIT TO MR. KENNETH JOHNSON

WHEREAS, Kenneth Johnson appeared at a Public Convenience and Necessity hearing held on Thursday, November 12, 1987; and

WHEREAS, the Commission determined at a Public Convenience and Necessity hearing on Thursday, November 12, 1987, based on the record received at that hearing, that clear and convincing evidence supported a finding that public convenience and necessity required the operation of a certain number of motor vehicle for hire permits; and

WHEREAS, prior to the emergence of Proposition K, there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Police Commission, pursuant to Resolution No. 283-84, dated March 29, 1984, has set the number at 761 taxicab permits for the City and County of San Francisco; therefore be it

RESOLVED, that Kenneth Johnson appearing before the Commission is qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and is hereby granted to Kenneth Johnson.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION DENY TAXICAB MEDALLION PERMIT TO MR. MARTIN J. LAVIN AND REMOVE HIS NAME FROM LIST

Sergeant Mary Stasko, appearing on this matter as in all of the previous taxi issues, said this case has been a little more difficult than the others. She said on July 30th, when they had a vacancy on the medallion list, they initiated the application process of Mr. Lavin. She said the address the Permit Section had on file was the address they sent the application packet to but it was returned by the Post Office saying that there was no forwarding address on file. She said she used the Department's CLETS SYSTEM to obtain an updated address from his driver's license to which they sent another packet and that was on July 6th. She said they waited to hear from him for approximately two (2) months and when they didn't hear from him they obtained his unlisted phone number, called him and left several messages on his answering machine telling him the consequences of his actions if he did not respond. She said after all of this she still did not receive a response so she went out to his address with a letter with her business card attached and when she placed the letter into the mail box she could see other letters addressed to him in that mail box. She said so she can only assume that he did receive that letter. She said it has been almost five (5) months now that and she has not heard from him. She said the Permit Section is recommending denial and that his name be removed from the list and the Permit Section be allowed to go to the next applicant.

Commissioner Nelder said he felt appropriate measures had been taken to notify this applicant and he made a motion to accept the Department's recommendation of denial. It was seconded by Commissioner Owens and unanimously approved.

RESOLUTION NO. 1437-87

RECOMMENDATION OF THE CHIEF THAT POLICE COMMISSION DENY TAXICAB MEDALLION PERMIT TO MR. MARTIN J. LAVIN

WHEREAS, the date for the hearing on the recommendation of the Chief of Police that the Police Commission deny Taxicab Medallion Permit to Mr. Martin J. Lavin was called, it having been set for this date, and

WHEREAS, Mr. Martin J. Lavin did not appear before the Commission and was not represented by counsel; and

WHEREAS, efforts were made by the Permit Section to locate Mr. Lavin and correspondence and messages left at the last known address have been without response; therefore be it

RESOLVED, that it is the decision of the Commission to deny a taxicab permit to Mr. Martin J. Lavin and remove his name from the waiting list based on his failure to provide change of address information as required by the Police Commission policy.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1429-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER DARRYL S. PERKINS, TARAVAL STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Darryl S. Perkins, Taraval Station, as follows:

SPECIFICATION NO. 1

Failure to maintain oneself in fit condition to perform police duties while carrying a firearm off-duty (violation of Rule A-3 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 3

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 4

Failure to submit a First Day Physician's Certificate as ordered (violation of Rule A-10 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Darryl S. Perkins, Taraval Station, is scheduled for Thursday, November 19, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION AMENDING THE SAN FRANCISCO MUNICIPAL CODE (TRAFFIC CODE) BY REPEALING SECTION 105 RELATING TO PROHIBITING VEHICLES FROM OBSTRUCTING INTERSECTION (NOW COVERED BY STATE ANTI-GRIDLOCK ACT OF 1987, VEHICLE CODE SECTION 22526)

Lieutenant John Newlin, Traffic Division, said to familiarize the Commission with the history of this is that the Department had instituted, through a modification of Section 105 of the Traffic Code, the Department's own anti-gridlock Ordinance and attempted to have this installed on a State level so that it could be incorporated in the Driver's Handbook to make it an educational approach to drivers. He said as a result it was determined that the Department's Ordinance was illegal until it was passed on a State level. He said the State has now copied the Department's Ordinance, passed it on the State level and it will go into effect on January 1, 1988. He said so what the Department is now doing is repealing its Section 105 of the Traffic Code to conform with current State Law.

Commissioner Nelder said he would move approval as this is a problem especially in downtown when the intersections become jammed. Commissioner Owens seconded and it was unanimously approved.

RESOLUTION NO. 1430-87

AMENDMENT THE SAN FRANCISCO MUNICIPAL CODE (TRAFFIC CODE) BY REPEALING SECTION 105 PROHIBITING VEHICLES FROM OBSTRUCTING INTERSECTIONS

WHEREAS, the State of California has adopted the Anti-Gridlock Act of 1987 (Vehicle Code Section 22526); and

WHEREAS, that act duplicates Municipal Police Code Part II, Chapter 11 (Traffic Code) Section 105, and

WHEREAS, the City Attorney advises that the City and County of San Francisco should repeal Traffic Code Section 105; therefore be it

RESOLVED, that the Police Commission hereby requests the Board of Supervisors to adopt the attached proposed ordinance repealing Section 105 from San Francisco Municipal Code Part II, Chapter 11 (Traffic Code).

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1431-87

REQUEST OF THE CHIEF OF POLICE FOR A SUPPLEMENTAL APPROPRIATION AMOUNTING TO $1,130,102 TO ADJUST UNIFORMED SALARIES AS OF JULY 12, 1987

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to $1,130,102 to adjust uniformed salary rates by 0.8% for the 1987-88 Fiscal Year, retroactive to July 12, 1987, as authorized by City Charter Section 8.405.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1432-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER CHRISTOPHER H. CUNNIE, PARK STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Christopher H. Cunnie, Park Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Christopher H. Cunnie, Park Station, is scheduled for Thursday, November 19, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF POLICE OFFICER ALLEN S. GIOVANNETTI, NORTHERN STATION

The hearing on the appeal of the Chief's suspension of Police Officer Allen S. Giovannetti, Northern Station, was called it having been set for this date.

Police Officer Allen S. Giovannetti appeared in person and was represented by Police Officer Steve Johnson, Police Officers' Association.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Officer Steve Johnson stated the one-day suspension of Officer Giovannetti was imposed on Officer Giovannetti by the Chief of Police for failure to appear at the Police Gymnasium for a weigh-in as required. He stated the mix-up occurred as Officer Giovannetti was on disability leave on the day in question.

Chief of Police Frank Jordan recommended that the one-day suspension imposed on Officer Giovannetti be returned to him, and was concurred by Mr. Michael Gash.

The Commission took the matter under submission and the following resolution was adopted:

RESOLUTION NO. 1438-87

DECISION - HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF POLICE OFFICER ALLEN GIOVANNETTI, NORTHERN STATION

It is the decision of the Commission that the Chief's suspension of Police Officer Allen Giovannetti for one (1) working day be restored to him.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER KEVIN L. HALL, CENTRAL STATION

The hearing of the disciplinary charges filed against Police Officer Kevin L. Hall, Central Station, was called it having been set for this date.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Kevin L. Hall appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

Mr. Whitmore, on behalf of Officer Kevin L. Hall, entered a plea of guilty to all charges, Specifications 1, 2, 3 and 4, and requested to waive his opening statement until the Defense was ready to put on its case.

An opening statement was waived by Mr. Michael Gash.

Commissioner Alfred Nelder made a motion to accept the plea of Officer Hall and was seconded and unanimously approved.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Sergeant Joseph Allegro, Central Station
Captain Dennis Martel, Metropolitan Division
Captain Walter Cullup, Metropolitan Division
Sergeant Pelham Wilmerding, Management Control Division

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 8x11 Photograph of R.A.T. unit damage

Exhibit #2 8x11 Photograph of exterior of vehicle

Exhibit #3 8x11 Photograph of damaged windshield

Exhibit #4 8x11 Photograph of damaged windshield

Exhibit #5 Estimate to repair windshield

The hearing was then continued to Thursday, December 10, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

Recess taken during the hearing of Officer Kevin L. Hall:

6:15 p.m. to 6:25 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER STEPHEN RIST, CENTRAL STATION

The hearing of the disciplinary charges filed against Police Officer Stephen Rist, Central Station, was called it having been set for this date.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Stephen Rist appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

Mr. Whitmore, on behalf of Officer Stephen Rist, entered a plea of guilty to Specifications 1, 3, 4 and 5, and requested to waive his opening statement until the Defense was ready to put on its case.

An opening statement was waived by Mr. Michael Gash.

Commissioner Alfred Nelder made a motion to accept the plea of Officer Rist and was seconded and unanimously approved.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Sergeant Joseph Allegro, Central Station
Captain Dennis Martel, Metropolitan Division
Captain Walter Cullup, Metropolitan Division
Sergeant Pelham Wilmerding, Management Control Division

The following exhibits were entered into evidence by the Prosecution:

Exhibit #1 8x11 Photograph of R.A.T. unit damage

Exhibit #2 8x11 Photograph of exterior of vehicle

Exhibit #3 8x11 Photograph of damaged windshield

Exhibit #4 8x11 Photograph of damaged windshield

Exhibit #5 Estimate to repair windshield

The hearing was then continued to Thursday, December 10, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

Recess taken during the hearing of Officer Stephen Rist:

6:15 p.m. to 6:25 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

≡ Minutes

NOVEMBER 19, 1987 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Thursday, November 19, 1987 at 1700 hours in Closed Session.

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Commissioner Nelder presiding.

1. Attorney-Client Conference.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

NOVEMBER 19, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, November 19, 1987 at 1730 hours in a Regular Meeting.

Commissioner Nelder presiding.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

APPROVAL OF MINUTES OF MEETING OF AUGUST 6, 1987

Approval of Minutes of Meeting of August 6, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1515-87

GEICO & MATHEW REED vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for the settlement of the litigation of Geico & Mathew Reed in the sum of $4,092.00 entitled "Geico & Mathew Reed vs. City and County of San Francisco, et al" in Municipal Court No. 923-015 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 7, 1986

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1516-87

GAETANO BALISTRERI vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for the settlement of the litigation of Gaetano Balistreri in United States District Court No. C86-6484 entitled "Gaetano Balistreri vs. City and County of San Francisco, et al" in the sum of $3,500.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 6, 1986

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1517-87

BUDGET RENT-A-CAR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Budget Rent-A-Car in the sum of $1,294.81 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 11, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1518-87

RICHARD B. ORTIZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard B. Ortiz in the sum of $800.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 1, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1519-87

KEVIN W. LUTZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kevin W. Lutz in the sum of $102.50 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 21, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1520-87

LJUBO SLISKOVIC

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ljubo Sliskovic in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 2, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1521-87

MARGARET MURPHY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Margaret Murphy in the sum of $100.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 14, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1522-87

DAVID LIVINGSTON and LISA ZACCAGLINI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Livingston and Lisa Zaccaglini in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1523-87

SHAN-SHA LOO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Shan-Sha Loo in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 19, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1524-87

SANDRA MOY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sandra Moy in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 28, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1525-87

ROBERT ROOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Roos in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 2, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1526-87

GERALD SCHNEIDER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gerald Schneider in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 2, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1527-87

KAREN WRIGHT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen Wright in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 11, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1528-87

SANDRA BAKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sandra Baker in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 27, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1529-87

CONNIE J. ARNOLD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Connie J. Arnold in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 29, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1530-87

CEEDOLA DAUBNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ceedola Daubner in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 27, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1531-87

ANNIE L. COLLINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Annie L. Collins in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 27, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1532-87

HARRY CHU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harry Chu in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 9, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1533-87

MERANDA CHU-MEI CHANG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Meranda Chu-Mei Chang in the sum of $80.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 25, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1534-87

DORMALD J. UMANA RUIZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dormald J. Umana Ruiz in the sum of $40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 24, 1987

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

POLICE COMMISSION REPORT

Commissioner Nelder announced that the Police Commission met in this afternoon in Closed Session in an Attorney Client Conference and no vote was taken.

(a) PUBLIC COMMENTS

There were no public comments requested to be made at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had no additional items other than what was on the calendar for tonight's meeting.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

Mr. Langer, OCC Director, said he had two items he would like to discuss which were at the direction of the Commission. He said Mr. Silva, his Senior Investigator, has prepared the investigation that he (Langer) had informed the Commission about two weeks ago and is now passing it out to the Commissioners.

Commissioner Nelder said let the record show that the Commission this date accepts the report and will take some time to peruse it and will move on it after completion of its study. Mr. Langer said the second request by the Commission was for him to explain the OCC's quarterly report and Investigator Irene Rapoza will handle that.

Ms. Rapoza said that the report the OCC sent over includes a summary of complaints received in the months of July, August and September. She said the Charts on pages 3 and 4 present (a) the number of complaints received by each station or bureau, (b) the time each incident or complaint occurred, (c) the types of allegations contained in the complaints and (d) the total number of allegations received in those three (3) months. She said also on page 5 is a Chart which gives the total number of police officer named in complaints are different than either the number of complaints filed or the number of allegations that were made. She said, so, they believe that these three numbers together give an accurate account of complaint activity.

Mr. John Crew of the ACLU, said Mr. Langer has only been on the job for two and a half weeks and that is not very much opportunity to tackle all of the issues, but he said, there was one particular concern about the statistics and that is General Order L-1 which was passed approximately a year ago by the Commission which requires that the OCC report the ultimate disposition by the Police Department of cases that are sustained and are referred to the Chief for further action. He said in that year there has not been a single statistical report where that information has been included. He said six (6) or eight (8) months ago they said that it was hard to get that information, that files were lost and he was not sure if that is still a problem but, he said, they would hope that sometime soon that important information that ultimately shows what happens to the OCC cases can be included as required by the Department's General Order. He said also there were some factors reported in OCC reports two years ago that were suddenly taken out that the ACLU found helpful. No. 1, he said, race of the complainants, No. 2, mode of receipt of complaints by telephone, walk-in, or by mail and they would request at least, on some periodic basis, that it be once again included.

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION AMENDING PART II, CHAPTER VIII, SAN FRANCISCO MUNICIPAL CODE (POLICE CODE), BY ADDING SECTION 20 PROHIBITING CROSSING OF POLICE LINES

This will be continued to December 10, 1987 to allow for all interested parties to peruse the new proposal as submitted tonight by Lieutenant Ed Pecinovsky of the Department's Legal Division.

RESOLUTION NO. 1510-87

SETTING OF DATE FOR HEARING OF DISCIPLINARY CHARGES AGAINST POLICE OFFICER DARRYL S. PERKINS, TARAVAL STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Darryl S. Perkins, Taraval Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Darryl S. Perkins be rescheduled for December 3, 1987; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Darryl S. Perkins, Taraval Station, is rescheduled for Thursday, December 3, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1511-87

SETTING OF DATE FOR HEARING OF DISCIPLINARY CHARGES AGAINST POLICE OFFICER CHRISTOPHER H. CUNNIE, PARK STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Christopher H. Cunnie, Park Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Christopher H. Cunnie be set for February 18, 1988; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Christopher H. Cunnie, Park Station, is set for Thursday, February 18, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1512-87

HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF POLICE OFFICER CORA ORYALL, COMMUNICATIONS DIVISION

WHEREAS, the date for the hearing on the appeal of the Chief's suspension of Police Officer Cora Oryall, Communications, was called it having been set for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing on the appeal of the Chief's suspension of Officer Cora Oryall be continued to December 3, 1987; therefore be it

RESOLVED, that the date for the hearing on the appeal of the Chief's suspension of Police Officer Cora Oryall, Communications Division, is hereby continued to Thursday, December 3, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1513-87

HEARING OF DISCIPLINARY CHARGES FILED AGAINST PROBATIONARY POLICE OFFICER CANDICE E. FUKUNAGA, POTRERO STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Probationary Police Officer Candice E. Fukunaga, Potrero Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. James F. Collins, Attorney at Law, representing Officer Candice E. Fukunaga, that the date for the hearing be continued to December 3, 1987; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Probationary Police Officer Candice E. Fukunaga, Potrero Station, is hereby continued to Thursday, December 3, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

RESOLUTION NO. 1514-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER TONY B. HICKS, POTRERO STATION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Tony B. Hicks, Potrero Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Tony B. Hicks, Potrero Station, is scheduled for Thursday, December 3, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Owens, Sanchez
ABSENT: Commissioners Davis, Giraudo

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION SUSPENDING GENERAL ORDER D-8, SECTION II, PARAGRAPH C.9, CONCERNING ON-CALL PAY

Mr. Robert Barry, President of the SFPOA said that his organization would request that this matter be deferred this evening for a meet and confer with the Police Commission. He said they sent a request through Deputy Chief Casey on Tuesday for that and the POA has had on-going discussions with the Department regarding the Budget and the Deficit that everyone is faced with in the Department through the end of this fiscal year. He said there is no way the SFPOA can resolve this issue at this point with the Department as their hands are tied but they fell that the Commission may be able to expedite this better through the Mayor's Office being that it is the highest level in the San Francisco Police Department. He said he would request to Meet and Confer with the Commission at its earliest convenience.

Commissioner Sanchez said he would move that this matter be placed off calendar and that the Commission meet with the SFPOA as soon as possible. Commissioner Owens seconded and it was unanimously approved.

STATUS REPORT ON THE REQUEST OF THE CONCERNED CITIZENS OF POLK-GEARY AREA TO INCREASE AND MAKE MORE EFFECTIVE THE BEAT COP COVERAGE THEY NOW HAVE

Ms. Betty White, resident of the neighborhood came forth and presented and read letters from other residents to the Police Commission. After finishing, she said she just wished the problems in the area could be answered and that they could receive better and more highly visible beat cop coverage in the neighborhood. She said she did not know what else to do but to keep coming back to the Commission and asking for help.

Other speakers were: Mr. Mike Shane, newspaper vendor at Geary and Larkin, Ms. Edy Adams, 990 Geary Street, #402. She said they have no protection at her apartment house. She said she wanted the Captain of Northern Station to put some policemen out after 2 AM because there is an awful lot going on.

Mr. Kip Wild, said he lived in the area also and was pretty active until he had his second heart surgery in 1985. He said he met Betty White a few months ago as he saw her placing papers around and he asked her why didn't she go down to the Community Group at the Northern Station and take her problems there because problems have always been resolved there. He said he has lived where he lives for twelve (12) years and they have the best police protection now since Officer Joe Arone left.

Ms. Mary Ellen Smith then came forth and said that last year when they came here they were concerned about the visibility of beat cops on the beat. She said they are better off than they were last year due to the fact that this Commission is a political and a bureaucratic body which places direct pressure and by the residents complaints upon the working cops and the bureaucracy at Northern Station. She said he has asked before and she is now asking again if they can have a small ad hoc group with one (1) member of the Police Commission, two (2) members from Northern Police Station or the choice of Chief Frank Jordan and two (2) people from concerned citizens to see if they cannot get something going as they are not moving anywhere at present.

Commissioner Nelder said he would prefer to hear from the Officers who are assigned to the area before any determination is made.

Lieutenant Tim Hettrich of Northern Station spoke about how McCauley Park would be opened and closed at various times as it is one of the high trouble spots in the area. He said Ms. Smith wanted officers to appear at certain times at certain places in a timely manner on a daily basis. He said this is not feasible as they may make different approaches because criminals in the area would use this to the criminals advantage to commit their crimes when the officers are not around. He said the residents of the neighborhood often as they are coming are beginning to effect the moral of the officers as they are out there on Beat 42 everyday and statistics prove they are working as hard as possible to clean up the area.

Chief Frank Jordan said he can understand the frustration on both sides and he said he has been to meetings all over the city and each community is looking for more beat officers because they are not happy with what they now have. He said ever since the Commission has started these meetings, the Department has not had additional Police Officers and are in fact losing as many as five a month through natural attrition and are now 101 short. He said this particular beat, Beat 42 has two (2) officers working the beat and very few walking beats in San Francisco are staffed with two (2) officers. He said he can understand the frustration of the Officers who are working hard in Beat 42 because it makes him (Chief) frustrated also when it appears that everyone is unappreciative of the good work that is being done there by these officers.

Commissioner Nelder said that he would hope that the Officers in the Station will not let this impinge on their moral. He said they certainly shouldn't feel that this is a dressing down when they come down to the Commission meetings as they have been doing. He said the whole purpose of these meetings were to open up lines of communications so that everyone understands fully what the problems are out there and what the police are doing. He said he would like to say in his own particular case he did see the Officers out there and as the Lieutenant pointed out that when they are going toward a given destination something may occur and they may become involved one way or another and they may have to go back to the station especially if they make an arrest and this is required. He said Ms. Mary Ellen Smith felt a small group or task force may be the answer and he said it may be that something along those lines can be worked out. He said he would suggest to his fellow Commissioners that a date be set once again for a couple of months hence for another meeting to see just exactly where everything is going at that time. It was then decided that the next meeting in this regard will be shceduled for the last Thursday in February 1988.

The meeting, thereafter, was adjourned in memory of former Police Sick Sergeant Joseph Donegan at 7:30 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

Minutes

DECEMBER 3, 1987 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Thursday, December 3, 1987 at 1600 hours in Closed Session.

Commissioner Giraudo presiding.

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1. Attorney-Client Conference
2. Personnel Matter

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

DECEMBER 3, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 505-2, Hall of Justice, 850 Bryant Street on Thursday, December 3, 1987 at 1630 hours in a Special Meeting.

Commissioner Giraudo presiding.

1. Meet and Confer with the San Francisco Police Officers' Association Regarding Proposed Suspension of General Order D-8, Section Ii, Paragraph C.9, Concerning On-Call Pay

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

DECEMBER 3, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, December 3, 1987 at 1730 hours in a Regular Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

APPROVAL OF MINUTES OF MEETING OF AUGUST 13, 1987

Approval of Minutes of Meeting of August 13, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1547-87

HASSAN EGHTESSADI vs. CCSF, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Hassan Eghtessadi entitled "Hassan Eghtessadi vs. CCSF, et al" in the amount of $5,000.00 in Municipal Court No. 912-343 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 5, 1986

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1548-87

VERNON HAROLD SCHARDING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Vernon Harold Scharding in the sum of $2,000.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 27, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1549-87

TRANSAMERICA INSURANCE GROUP (INS: POWERS, FLORENCE)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Transamerica Insurance Group (Ins: Powers, Florence) in the sum of $1,764.56 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1550-87

ROSALIE BRITTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rosalie Britton in the sum of $740.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 25, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1551-87

TAMMY ALDRIDGE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tammy Aldridge in the sum of $500.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 24, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1552-87

JAMES E. TISDALE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James E. Tisdale in the sum of $50.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 9, 1987
(Hearing Date)

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1553-87

SHERI DEKOVEN

RESOLVED, that the judgement made by the City Attorney for the claim of Sheri Dekoven in Small Claims Court No. 467-071 in the amount of $356.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RRESOLUTION NO. 1554-87

THOMAS I. STACK

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas I. Stack in the sum of $229.50 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1555-87

ALI ALTOHA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ali Altoha in the sum of $215.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1556-87

MARK ROBERT SCHMITZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Robert Schmitz in the sum of $200.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 8, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1557-87

JOSEPH R. MICHAEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph R. Michael in the sum of $200.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1558-87

RICHARD Z. MARTIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Richard Z. Martin in the sum of $190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 12, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1559-87

BONNIE SIMONETTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bonnie Simonetti in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1560-87

JAMES KOSZIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Koszis in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 24, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1561-87

SHARI STEINER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Shari Steiner in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1562-87

WAYNE YOSHIDA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Wayne Yoshida in the sum of $125.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 6, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1563-87

JAMES KNORRING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of James Knorring in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 5, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1564-87

MICHAEL L. GJESDAHL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael L. Gjesdahl in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1565-87

EDDIE GENTRY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Eddie Gentry in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 30, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1566-87

DEAN DEUTMEYER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dean Deutmeyer in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 28, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1567-87

BARBARA J. DAMLOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barbara J. Damlos in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1568-87

SARA CRISTINA BARBOSA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sara Cristina Barbosa in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 16, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1569-87

LIZA SUZANNE DREW

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Liza Suzanne Drew in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 2, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1570-87

CEFERINA R. CRUZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ceferina R. Cruz in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 15, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1571-87

THOMAS E. BEWLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas E. Bewley in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1572-87

ERIKA MOHR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Erika Mohr in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1573-87

ROBYN KIMBERLY ZEITLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robyn Kimberly Zeitler in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 2, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1574-87

MARIA C. SENA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Maria C. Sena in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 10, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1575-87

FLORA MOLAYEM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Flora Molayem in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 13, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1576-87

O'HARE, DEBORAH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of O'Hare, Deborah in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 4, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1577-87

VERGINIE PECHDIMALDJIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Verginie Pechdimaldjian in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1578-87

JERRY THOMPSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jerry Thompson in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 13, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1579-87

JOHN SMALLS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Smalls in the sum $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 16, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1580-87

KIRK SCHWINDEMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kirk Schwindeman in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 15, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1581-87

CAROLYN ROVNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carolyn Rovner in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 22, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1582-87

MICHAEL K. RILEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael K. Riley in the sum of $100.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 10, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1583-87

MARGARET E. FLEMMING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Margaret E. Flemming in the sum of $95.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 2, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1584-87

ANTONIO RAPETTI

RESOLVED, that the recommendation of the City Attorney for settlement of the claimd of Antonio Rapetti in the sum of $90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 13, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1585-87

EDGAR RABEL I

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Edgar Rabel I in the sum of $90.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1586-87

STANLEY HYNINGTON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stanley Hynington in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1587-87

SAUREN L. DEDERIAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sauren L. Dederian in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1588-87

HARRY DRIGGS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harry Driggs in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1589-87

MICHAEL D. MADDOX

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael D. Maddox in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 31, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1588-87

DENNIS CONWAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dennis Conway in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1591-87

MICHAEL J. CALLAHAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael J. Callahan in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1592-87

BENJAMIN BOGOMOLNY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Benjamin Bogomolny in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 26, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1593-87

SUSAN BISHOP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Susan Bishop in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 16, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1594-87

WILLIAM GALVIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Galvin in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1595-87

KRISTINE HIPP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kristine Hipp in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 28, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1596-87

CATHERINE HIGHIET

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Catherine Highiet in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1597-87

GARY BAXTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Gary Baxter in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 28, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1598-87

AMY JOSEPH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Amy Joseph in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 19, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1599-87

HERBERT FRANCIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Herbert Francis in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 15, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1600-87

JOHN NG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Ng in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 25, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1601-87

MICHAEL RYAN NG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Ryan Ng in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 10, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1602-87

PHILIP ROBBINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Philip Robbins in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1603-87

STEVE YU

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Steve Yu in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 23, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1604-87

DENNIS YIP

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dennis Yip in the sum of $80.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1605-87

MICHAEL PUCCINELLI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Puccinelli in the sum of $78.27 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 24, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1606-87

RIQIANG HUANG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Riqiang Huang in the sum of $60.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 23, 1987
(discovery date)

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

POLICE COMMISSION REPORT

Commissioner Giraudo said the Police Commission met in Closed Session this afternoon in an Attorney-Client Conference and no vote was taken.

(a) PUBLIC COMMENTS

No public Comments at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said he had no further items to report at this time.

OCC DIRECTOR'S REPORT TO THE POLICE COMMISSION

OCC Director Michael Langer said he has just finished their written procedures and are prepared within the next two weeks to bring back over all of the OCC cases to the OCC Office and this should be accomplished he said within the next few weeks.

PUBLIC HEARING ON REVISED DEPARTMENT GENERAL ORDER O-2, "DIPLOMATIC IMMUNITY"

Deputy Chief Willis Casey said approximately one month ago, the Federal Bureau of Investigations (FBI) sent the Department the latest information on Diplomatic Immunity as it effects Consuls and Consulates in the City. He said what the Department has done is to update the Department's own General Order to reflect those changes as noted by the FBI.

Commissioner Nelder said he felt the Order spells it out very clearly. He then said he would make a motion for approval. Commissioner Sanchez seconded and it was unanimously approved.

RESOLUTION NO. 1546-87

REVISED DEPARTMENT GENERAL ORDER O-2, "DIPLOMATIC IMMUNITY"

RESOLVED, that the Police Commission hereby approves the revision to Department General Order O-1 regarding "Diplomatic Immunity".

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT BY RESOLUTION REVISIONS OF GOVERNMENT CODE SECTION 76009 AUTHORIZING SURCHARGES FOR FINES COLLECTED BY THE COURTS. SUCH FUNDS SHALL BE USED FOR THE PURCHASE AND MAINTENANCE OF FINGERPRINT COMPUTERS

Deputy Chief Casey said this item was initiated by Captain Henry Eidler of Technical Services Bureau and realizing the existence of this provision in the code he saw it as a source of income to help fund the Department's Fingerprint Computer. He said if the Commission approves, it would go to the Board of Supervisors for their approval and allow the Department to collect upwards of $100,000 yearly to off-set the cost of the Department's Fingerprint Computer.

Commissioner Nelder said this is an opportunity to obtain funds to maintain and upgrade the Department's Fingerprint Computer, therefore, he said he would move approval. It was seconded by Commissioner Owens and unanimously approved.

RESOLUTION NO. 1538-87

GOVERNMENT CODE SECTION 76009; AUTOMATED FINGERPRINT IDENTIFICATION FUND

WHEREAS, Government Code Section 76009 states that the Board of Supervisors may, by resolution, authorize the imposition of a surcharge of fifty cents ($.50) for every ten dollars ($10.00) for every fine collected by the courts for all criminal offenses and most traffic offenses; and

WHEREAS, these funds shall be used for the purchase and maintenance of fingerprint computers, including personnel and other related costs, and also provide for the reimbursement of funds already spent; and

WHEREAS, the yearly cost to operate the computer is approximately $625,000.00, including personnel costs, and the cost of installation was $2,200,000.00; therefore be it

RESOLVED, that the Police Commission recommends that the provisions of Section 76009 be approved by the Board of Supervisors.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1535-87

REQUEST OF THE CHIEF OF POLICE FOR A SUPPLEMENTAL APPROPRIATION AMOUNTING TO $459,400 FOR PRE-BOND SALE PLANNING REQUIREMENTS RELATED TO PROPOSITION "A"

RESOLVED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to $459,400. The requested funds will be used to begin the planning process for the rehabilitation of various police facilities, made possible by a bond issue passed at the November 3, 1987 election. The City and County will reimbursed for the $459,400 after the bonds are sold.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1536-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER STEVEN J. BOLANDER, COMMUNICATIONS DIVISION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Steven J. Bolander, Communications Division, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Failure to answer questions asked by a superior truthfully and/or without evasion (violation of Rule A-21 of General Order D-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Steven J. Bolander, Communications Division, is scheduled for Thursday, December 10, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1537-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER ROBERT M. LINK, TACTICAL COMPANY

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Robert M. Link, Tactical Company, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

SPECIFICATION NO. 2

Engaging in Secondary Employment without authorization (violation of Section I.C of General T-1 of the San Francisco Police Department).

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Robert M. Link, Tactical Company, is scheduled for Thursday, December 10, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1544-87

HEARING OF DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER GLADYS M. GRAY, MISSION STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Gladys M. Gray, Mission Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing be continued to January 14, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Gladys M. Gray, Mission Station, is hereby continued to Thursday, January 14, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1545-87

LEAVE OF ABSENCE WITHOUT PAY PENDING HEARING OF CHARGES - POLICE OFFICER GLADYS M. GRAY, MISSION STATION

WHEREAS, Police Officer Gladys M. Gray, Mission Station, was suspended without pay on September 14, 1987, pending hearing of charges before the Police Commission; and

WHEREAS, Police Officer Gladys M. Gray has requested a Leave of Absence Without Pay pending hearing of charges before the Police Commission; therefore be it

RESOLVED, that Police Officer Gladys M. Gray, Mission Station, be placed on Leave of Absence Without Pay at her request for a period of forty-two (42) days commencing December 3, 1987 through January 14, 1988, be, and the same is hereby approved.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1543-87

HEARING OF OFFICER ROBERT J. RIBEIRO, CENTRAL STATION

WHEREAS, on July 1, 1987, Frank M. Jordan, Chief of Police, made and served charges against Police Officer Robert J. Ribeiro, Central Station, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department).

and

WHEREAS, the Police Commission set Thursday, December 3, 1987, as the date for the hearing on charges filed against Officer Robert J. Ribeiro; and

WHEREAS, Chief of Police Frank M. Jordan announced that the Police Department was in receipt of the resignation of Officer Robert J. Ribeiro, said resignation effective close of business December 3, 1987, which resignation was accepted with the condition that the services of Officer Robert J. Ribeiro have been unsatisfactory and that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Robert J. Ribeiro, Central Station, be, and the same are hereby continued off calendar.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

RESOLUTION NO. 1539-87

SETTING OF DATE FOR HEARING OF DISCIPLINARY CHARGES AGAINST POLICE OFFICER TONY B. HICKS, POTRERO STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Tony B. Hicks, Potrero Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Tony B. Hicks be rescheduled for December 10, 1987; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Tony B. Hicks, Potrero Station, is rescheduled for Thursday, December 10, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1540-87

RESETTING OF DATE FOR HEARING OF PROBATIONARY POLICE OFFICER CANDICE E. FUKUNAGA, POTRERO STATION

WHEREAS, the date for the resetting of the hearing of the disciplinary charges filed against Probationary Police Officer Candice E. Fukunaga, Potrero Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Candice E. Fukunaga be reset for February 11, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Probationary Police Officer Candice E. Fukunaga, Potrero Station, is reset for Thursday, February 11, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1541-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER DARRYL S. PERKINS, TARAVAL STATION (NEW CHARGES)

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Darryl S. Perkins, Taraval Station, as follows:

SPECIFICATION NO. 5

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Darryl S. Perkins, Taraval Station, is scheduled for Thursday, January 7, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1542-87

SETTING OF DATE FOR HEARING OF DISCIPLINARY CHARGES AGAINST POLICE OFFICER DARRYL S. PERKINS, TARAVAL STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Darryl S. Perkins, Taraval Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Darryl S. Perkins be set for January 7, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Darryl S. Perkins, Taraval Station, is set for Thursday, January 7, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

HEARING ON APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXICABS

Lieutenant Gregory Winters said that in the interest of the Commission, the Department and the public are best served by individual case presentations in this matter for each applicant wanting a new medallion.

He said there has been one change in medallion numbers in that an existing medallion became available so one of the applicants will be entitled to that one. He said as for as new medallions each applicant has been advised that the burden is upon them to prove that Public Convenience & Necessity (PC&N) exist for their application to be granted. He said the Commission may or may not be aware that the San Francisco Taxi Cab Association sought an Alternative Writ to prevent these hearings tonight and, he said, he was informed by the City Attorney at approximately 4:50 p.m. that that Writ was denied and that the Commission is now free to proceed with taking the individual applications and considering them. He said he would make one further recommendation to the Commission in that it take each application under submission this evening and make its findings a week from tonight.

Mr. Steve Diaz, Attorney for the Taxicab Association said that if he has understood Lieutenant Winter's recommended procedure to the Commission he and his Association will appear thirty-seven (37) times to be heard on individual applications because the Department's position now is that the Commission will hear evidence on PC&N as to the required number of permits in as much as the Commission's Resolution of October 1, 1987, is now sixty (60) days old and as represented in Superior Court by the City Attorney today, is STALE, and therefore any changed conditions are subject to hearing at this time. He said since the Commission intends to proceed one applicant at a time his Association will have to present that opposing evidence, at least by incorporation by reference, for each applicant.

Commissioner Giraudo in explaining to Mr. Diaz and others what the procedure would be said that the Commission will be basing its decision upon the findings from the 1986 PC&N Hearings that were concluded in 1987 and all of those things that were taken into consideration in the Resolution that went into the October 1st Resolution and any evidence that is put before the Commission this evening.

Lieutenant Winters, thereafter, said to get a couple of matters out of the way their is currently a vacant permit among the origional 761 that is not cleared as yet and Mrs. Marguerite McGee has requested that she be considered for that particular medallion and that her matter not be heard tonight and that her application be continued. Commissioner Nelder said he would make the motion for a continuance, Commissioner Owens seconded and it was unanimously approved for continuance. He said the second matter is the application of Franklin D. Nunley. He said this was originally a new application and there is an existing vacancy for medallion number 757. Mr. Nunley came forward and the Commission was advised by Lieutenant Winters that Mr. Nunley had qualified as to the regulations and requirements to operate a Taxicab as an owner and is placing his medallion to operate with the Veterans Cab Company which is a radio dispatched Cab Company. Commissioner Nelder then said he would move approval. It was seconded by Commissioner Sanchez and unanimously approved.

Lieutenant Winters said another matter that will not touch on the individual PC&N is the matter of Warren Wong, Sr., Warren K. Wong, Jr. and Winston G. Wong. He said a complaint was received by the Taxi Cab Detail that these individuals currently held taxicab permits. He said an investigation was conducted and in the matter of Warren K. Wong, Sr., it was found that he is a 33% share holder in the Bayshore Cab Company which owns and holds one taxicab permit. He said Mr. Warren Wong, Jr. is a 16.6% share holder in that same permit and in the matter of Mr. Winston Wong he is a 33% share holder in American Cab Company, which holds three (3) cab permits and a 20% share holder in Fortuna Transport Inc. which holds five (5) permits under its corporate status. He said because of the fact that in each of those cases there is more that 10% of an existing permit held by the applicants he said it is the Staff's belief that the Commission should either decide the legal issue as to whether or not this is an additional permit being issued to these individuals or in the better case refer the matter to the City Attorney and have her render an opinion. He said their places on the list would be held until the City Attorney renders that opinion. Commissioner Nelder then made a motion that the Commission would not act upon the Wong's applications tonight based upon the facts presented and that their matters be placed off calendar until the Commission receives an opinion from the City Attorney and that those three spots be held open until this matter is adjudicated. The motion was seconded by Commissioner Sanchez and unanimously approved.

Lieutenant Winters said one more item the Commission needed to hear before going to the thirty-seven (37) applicants and that is the application of James B. Gillespie. He said the Taxi Detail received a complaint that James B. Gillespie whose name is on the list, in fact, does hold a current permit. He said in checking further they found that the application forms and supporting documents were filled out by a James R. Gillespie who apparently is a relative and a different person. He said he would recommend to the Commission that the application of James B. Gillespie be denied and that his name be stricken from the applicant list and that James R. Gillespie is not on the applicant list.

Commissioner Nelder said he would make a motion that the Commission give the Gillespies one week to take whatever course of action they desire, i.e. seek counsel. He said they have heard penalty of perjury for the young Gillespie who was not present to file the application at the time it was open for filing. He said his motion for one week is only as far as it concerns the Gillespies and the Commission will not act upon that particular vacancy tonight. Commissioner Owens seconded and it was unanimously approved.

The Commission, thereafter, commenced the proceedings for all other listed applicants and Lieutenant Greg Winters called the names of Mr. Pharoa McGee, Mr. Richard Lygutis and Mr. Bruie Anton.

After Lieutenant Winters finished questioning Mr. McGee as to PC&N, Mr. Steve Diaz, Attorney for the San Francisco Taxicab Association came forth and presented his objections and said those objections would be on-going for each and every applicant unless and until something new came to light to make them want to present further objections at that time. He also said he would like to call two other witnesses to add to his objections and they are Mr. Marv Gralnick of De Soto Cab Company and Mr. Nathan Dhrury of Yellow Cab Company. Prior to hearing the testimony of the witnesses called by Mr. Diaz, the Commission recessed.

Upon returning and reconvening, Commissioner Giraudo said he had some very serious concerns about the Commission's procedures this evening. He said he felt that the Commission was going through an exercise in futility. He said he did not, for one, want to proceed without the advise of the City Attorney with respect to procedure, with respect to an interpretation of Proposition K, with respect to some sections that he has a concern about. He said he would like to stress to the applicants and to those people who are waiting that his feeling is that if the Commission went forward tonight the Commission and all parties would be back here again going through the same procedure in a very short period of time. he said this Commission did make a determination after much effort that there is a need for more Taxicab Permits and it is his intention to go forward in a fashion and in a manner that will protect that decision.

Commissioner Sanchez said that he would basically, for the record, state the Chair's comments pertaining to the entire Commission's status as of this time in these hearings as a valid one. He said he personally believes that there is no other Commission in the city that has spent as much time and deliberation in order to insure equity and access pertaining to the content of Proposition K and whether or not all agreed or disagreed initially the law is the law and the Commission has tried to work with everybody in a consensus model and democratic model and the issue. He said the Commission will not play games with applicants or with the process and it is his belief that Commissioner Giraudo has zeroed in on the fact that the Commission really needs at this point to get clarification pertaining to what in fact is the process, what in fact is the procedure, given where the Commission is, at this point and time, so that the Commission does not have to put applicants through a clinical trial so, therefore, taking that under consideration, he would move that the Commission continue this matter, pending again clarification by the Chair and the City Attorney's Office, to January 14, 1988 which is the first meeting the Commission has open. He said this would be a Special Session on this matter and perhaps it could be held at 4:00 p.m. in the afternoon so that this would be the only item on calendar and heard until it is finished and that he said is his motion which would also include Commissioner Giraudo's comments that the City Attorney's presence be requested and everything else that Commissioner Giraudo stated.

Commissioner Nelder said that he would second this motion and that he wanted everyone to understand that this is in the best interest of all of the applicants and those persons that are interested in the procedure so that they don't have to do it twice or perhaps nullify the Commission's action tonight. The motion was then unanimously approved.

HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF POLICE OFFICER CORA ORYALL, COMMUNICATIONS DIVISION

The hearing of the appeal of the Chief's suspension of Police Officer Cora Oryall, Communications Division, was called it having been set for this date.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Cora Oryall appeared in person and was represented by Officer Steve Johnson, Police Officers' Association.

An opening statement was made by Mr. Michael Gash for the Prosecution.

An opening statement was made by Police Officer Steve Johnson, Police Officers' Association, on behalf of Officer Cora Oryall.

The following named witnesses appeared for the Prosecution, were sworn and testified:

Officer Adele Roberts, Psychological Unit
Officer Bernice Edmundson, Court Liaison
Inspector Marvin Dean, Homicide
Lieutenant Gregory Winters, General Office

The following exhibits were entered into evidence by the Defense:

Exhibit A Letter of April 9, 1987 from A. Roberts to Lt. Winters

Exhibit B Duties of Police Officer Subpoena Service Clerk

Exhibit C Four notes written by Officer Roberts to Officer Cora Oryall

Exhibit D Letter dated Feb. 27, 1987 from Ken Crandall, District Attorney's Office, to Lt. G. Winters

Exhibit E Memo from Lt. G. Winters to Deputy Chief V. Macia, March 3, 1987, subject: Complaint Against Personnel - Officer Cora Oryall #1678

Exhibit F Exhibit either missing or mismarked

Exhibit G Supervising Sgt. Chronological Log

The hearing was then continued to Thursday, December 10, 1987 at 4:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

The meeting, thereafter, was adjourned at 9:15 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION

DECEMBER 10, 1987 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, December 10, 1987 at 4:00 p.m. in a Special Meeting.

Commissioner Giraudo presiding.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis and Sanchez

HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF POLICE OFFICER CORA ORYALL, COMMUNICATIONS DIVISION

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The hearing of the appeal of the Chief's suspension of Police Officer Cora Oryall, Communications Division, was called it having been continued from the meeting of December 3, 1987.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Cora Oryall appeared in person and was represented by Mr. Paul Chignell, Police Officers' Association.

The following named witness appeared for the Defense, was sworn and testified:

Officer Cora Oryall, Communications Division

The following exhibit was entered into evidence by the Defense:

Exhibit H — Monthly Evaluations of Officer Oryall - November 1985, January, March, May and August 1986

Closing statements were made by both Mr. Michael Gash and Mr. Paul Chignell.

The Commission took the matter under submission, recessed and returned, and the following resolution was adopted:

RESOLUTION NO. 1615-87

DECISION - HEARING ON THE APPEAL OF THE CHIEF'S SUSPENSION OF OFFICER CORA ORYALL, COMMUNICATIONS DIVISION

It is the decision of the Commission that the Chief's suspension of Officer Cora Oryall for two (2) working days is not sustained.

AYES: Commissioners Giraudo, Nelder, Owens
ABSENT: Commissioners Davis, Sanchez

Recess taken during the hearing on the appeal of the Chief's suspension of Officer Cora Oryall:

4:40 p.m. to 4:45 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

DECEMBER 10, 1987 CLOSED SESSION

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street on Thursday, December 10, 1987 at 5:00 p.m. in Closed Session.

Commissioner Giraudo presiding.

1. Attorney-Client Conference.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

DECEMBER 10, 1987 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street on Thursday, December 10, 1987 at 5:30 p.m. in a Regular Meeting.

Commissioner Giraudo Presiding.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

APPROVAL OF MINUTES OF SPECIAL MEETING OF AUGUST 25, 1987

Approval of Minutes of Special Meeting of August 25, 1987, the Commissioners having received, approved and returned copies of same.

APPROVAL OF CONSENT CALENDAR

Recommendation of the City Attorney for settlement of the following claims against City and County of San Francisco:

RESOLUTION NO. 1616-88

SERGEANTS' COMMITTEE FOR A VALID LIEUTENANTS' EXAMINATION vs. CITY & COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of the Sergeants' Committee for a Valid Lieutenants' Examination in the amount of $166,250.00 in Superior Court No. 789-060 entitled "Sergeants' Committee for a Valid Lieutenants' Examination vs. City and County of San Francisco, et al" for settlement of the attorneys' fee is hereby approved.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1617-87

RICHARD GARVIN vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Richard Garvin entitled "Richard Garvin vs. City and County of San Francisco, et al" in the amount of $4,000.00 in Municipal Court No. 910-224 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 1, 1985

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1618-87

MARIA WILSON vs. CITY AND COUNTY OF SAN FRANCISCO, et al

RESOLVED, that the recommendation of the City Attorney for settlement of the litigation of Maria Wilson entitled "Maria Wilson vs. City and County of San Francisco, et al" in the sum of $1,500.00 in Municipal Court No. 917-092 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 15, 1985

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1619-87

CYRIL MAGNIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cyril Magnin in the sum of $632.28 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 27, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1620-87

LISA ROSE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lisa Rose in the sum of $576.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 28, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1621-87

JOHN REID

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of $465.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 8, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1622-87

JEFFREY C. HEMMER

RESOLVED, that the Recommendation of the City Attorney for settlement of the claim of Jeffrey C. Hemmer in the sum of $465.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 2, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1623-87

THE CITY TOW (FONBUENA, NANCHA C.)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Fonbuena, Nancha C.) in the sum of $450.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 1, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1624-87

SCOTT SOLTER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Scott Solter in the sum of $440.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 15, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1625-87

MILTON GRIFFITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Milton Griffith in the sum of $365.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1626-87

THE CITY TOW (MAGINNISS, HENRY HUGO)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Maginniss, Henry Hugo) in the sum of $320.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 17, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1627-87

KIM BIGUEUR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kim Bigueur in the sum of $290.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 10, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1628-87

AUDREY BREAZEALE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Audrey Breazeale in the sum of $265.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 9, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1629-87

EFRAIN GOMEZ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Efrain Gomez in the sum of $265.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 15, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1630-87

RAYMOND MILLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Raymond Miller in the sum of $240.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 11, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1631-87

JOSEPH F. MOYER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph F. Moyer in the sum of $240.00d as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1632-87

JILL ELLISON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jill Ellison in the sum of $225.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 10, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1633-87

DIANA L. MILES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Diana L. Miles in the sum of $225.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 8, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1634-87

PETE TELLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Pete Teller in the sum of $225.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 14, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1635-87

JANET REED LANG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Janet Reed Lang in the sum of $215.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 25, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1636-87

SHARON LOUISE ELLIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sharon Louise Ellis in the sum of $215.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1637-87

LAWRENCE S. CORDERO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lawrence S. Cordero in the sum of $215.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1638-87

ANOREA TREZLER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Anorea Trezler in the sum of $200.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 3, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1639-87

JOHN C. BRUNO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John C. Bruno in the sum of $200.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 21, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1640-87

THE CITY TOW (TOWEE: GRIFFIN, PHILLIP)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of The City Tow (Towee: Griffin, Phillip) in the sum of $200.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 27, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1641-87

S. JEAN CROSBY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of S. Jean Crosby in the sum of $190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 28, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1642-87

LISA E. McGUIRE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lisa E. McGuire in the sum of $190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 24 through 28, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1643-87

JOSEPH C. JOHNSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Joseph C. Johnson in the sum of $190.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 6, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1644-87

CITY TOW (TOWEE: KELLY WATERFIELD)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Towee: Kelly Waterfield) in the sum of $180.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: August 11, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1645-87

JUDITH A. FERREBOENF

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Judith A. Ferreboenf in the sum of $175.00 as a result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 2, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1646-87

CITY TOW (CANETELLO, JOHN)

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of City Tow (Canetello, John) in the sum of $175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: September 18, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1647-87

CITY TOW (BAILEY, ALICIA)

RESOLVED, that the recommendation of the City Attorney for settlement of the City Tow (Bailey, Alicia) in the sum of $175.00 as a result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 24, 1987

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

POLICE COMMISSION REPORT

Commissioner Giraudo said the Police Commission met in Closed Session this date in an Attorney-Client Conference and no vote was taken.

(a) PUBLIC COMMENTS

A mister M.K.H. Sikuzote appeared before the Commission and said he has been living at the 3161 16th Street Hotel #203 since May 13, 1986, he said the management of the hotel has been using the Police as an instrument of harrassment to him. He said his former employer and hotel management has used members of the Department to prevent him from filing his case against the U.S. Government by trying to orchestrate an attack upon his person wherein he would be provoked and arrested by the police. He said he wanted the Commission and Department Staff to discipline the Sergeant who is the person at Mission Station working the swing shift and some of his subordinates. He said just last Sunday night he had gone to take a shower and when he returned, the lock on his apartment door had been tampered with in that someone had put some type of glue on his combination lock. He said the Sergeant responded with a bolt cutter and wanted to cut it off but he refused to allow this. He said afterwards, someone ripped everything from the door including the loop that held the lock and he had his friend to buy him another one immediately and he wants this harrassment to stop. After listening to further discussion of Mr. Sikuzote's problem, the Commission advised him that since he has already filed a complaint with the OCC and the Chief has listened to him tonight, the Chief will advise the Captain of Mission Station to follow up on what he has revealed to the Commission tonight.

Mr. John Crew of the ACLU said he just wanted to bring out a couple of matters and one had to do with the Police Department's General Order L-1 which states that the policy of the Department is for citizens to come forward with grievances and file complaints with the OCC. He said a very disturbing situation has come up and is in complete contradiction with that policy and even threatens it. He said it has to do with a woman filing a complaint for false arrest and for brutality. He said she has three witnesses and medical and physical support for that complaint. He said the OCC investigated that complaint and scheduled it for Investigative Hearing which was repeatedly continued until it was finally set for a week ago, Wednesday, December 2nd. He said while waiting for the hearing to begin in the OCC Offices, the complainant was approached by one of the officers and served with a summons informing her that she would be sued for defamation by the officer for daring to file this OCC complaint. He said the ACLU believes that this was an act of intimidation, that the small claims file is entirely frivolous. He said he hopes that the Commission will closely and carefully monitor it.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Frank Jordan said the only thing that he and staff were going to discuss tonight was on the Bond issue, Proposition A, and the time line as to exactly how the funding was going to be used and how the Bonds were going to be appropriated. He said the individual who was going to make this report tonight, Mark Primo, who is assigned from the Department of Public Works Bureau of Architecture to the Police Department, is at a meeting at the present time with the Chief Administrative Officer, Rudy Northerberg, over this very issue. HE said for that reason he is asking the Commission to delay that one more week.

O.C.C. DIRECTOR'S REPORT TO THE POLICE COMMISSION

Director Michael Langer said the OCC had nothing to report this evening.

RESOLUTION NO. 1609-87

AUTHORIZING ACCEPTANCE OF $100.00 REWARD FROM MR. TOM FIELD TO OFFICER JAMES G. BOSCH FOR SERVICES RENDERED

RESOLVED, that the Police Commission hereby authorizes Police Officer James G. Bosch, Richmond Station, to accept a $100.00 reward from Mr. Tom Field for his assistance in the capture of a graffiti suspect.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1610-87

NOTIFICATION AND FILING OF CHARGES AGAINST POLICE OFFICER LINDA J. FLANDERS, TECHNICAL SERVICES DIVISION, GENERAL OFFICE

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Linda J. Flanders, Technical Services Division, General Office, as follows:

SPECIFICATION NO. 1

Engaging in conduct which tends to subvert the good order, efficiency or discipline of the Department or which reflects discredit upon the Department (violation of Rule A-9 of General Order D-1 of the San Francisco Police Department);

by Frank M. Jordan, Chief of Police, San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of hearing of the disciplinary charges filed against Police Officer Linda J. Flanders, Tehnical Services Division, General Office, is scheduled for Thursday, December 17, 1987 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1614-87

HEARING OF POLICE OFFICER MICHAEL J. WALSH, RICHMOND STATION

WHEREAS, the date for the hearing of the disciplinary charges filed against Police Officer Michael J. Walsh, Richmond Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Terence Hallinan, Attorney at Law, representing Officer Michael J. Walsh, and Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing be continued to March 24, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Michael J. Walsh, Richmond Station, is scheduled for Thursday, March 24, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1611-87

SETTING OF DATE FOR HEARING OF DISCIPLINARY CHARGES AGAINST POLICE OFFICER TONY B. HICKS, POTRERO STATION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Tony B. Hicks, Potrero Station, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Earl J. Disselhorst, Attorney at Law, representing Officer Tony B. Hicks that the date for a hearing on motion to dismiss certain specifications on charges filed against Police Officer Tony B. Hicks be set for February 18, 1988 and the hearing be scheduled for February 25, 1988; therefore be it

RESOLVED, that the date for the hearing on the motion to dismiss certain specifications on charges filed against Police Officer Tony B. Hicks be set for Thursday, February 18, 1988 at 5:30 p.m., and the hearing be set for Thursday, February 25, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1612-87

SETTING OF DATE FOR HEARING OF DISCIPLINARY CHARGES FILED AGAINST POLICE OFFICER STEVEN J. BOLANDER, COMMUNICATIONS DIVISION

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Steven J. Bolander, Communications Division, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, and Mr. Jeremiah Leahy, Attorney at Law, representing Officer Bolander, that the date for the hearing of the disciplinary charges filed against Police Officer Steven J. Bolander be set for April 14, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Steven J. Bolander, Communications Division, be set for Thursday, April 14, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1613-87

SETTING OF DATE FOR HEARING OF DISCIPLINARY CHARGES AGAINST POLICE OFFICER ROBERT M. LINK, TACTICAL COMPANY

WHEREAS, the date for the setting of the hearing of the disciplinary charges filed against Police Officer Robert M. Link, Tactical Company, was called it having been scheduled for this date; and

WHEREAS, it was requested by Mr. Michael Gash, Attorney at Law, representing the San Francisco Police Department, that the date for the hearing of the disciplinary charges filed against Police Officer Robert M. Link be set for March 17, 1988; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Robert M. Link, Tactical Company, is set for Thursday, March 17, 1988 at 5:30 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

REQUEST OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT BY RESOLUTION AMENDING PART II, CHAPTER VIII, SAN FRANCISCO MUNICIPAL CODE (POLICE CODE), BY ADDING SECTION 20 PROHIBITING CROSSING OF POLICE LINES

Chief Frank Jordan said this item has been the subject of two meetings and received even as late as last week, what he feels has been some good correspondence from the News Media and Creditable Neighborhood Organizations who has evaluated exactly what this means to them. He said, therefore he would request that this matter be removed from the calendar for an indefinite period so that the Department may further evaluate it also. Commissioner Nelder said he would make a motion to have it removed from the Calendar and when it is re-scheduled that it be scheduled with the proper advanced notices for public hearing. Commissioner Sanchez said he would second that motion.

Mr. John Crew, ACLU, said that in the most recent proposal there was contemplated police guidelines to be adopted by the Commission restricting as to when lines are to be set up at demonstrations. He said the ACLU hardly endorses that and would be willing to work with the Department in establishing those guidelines independent of a crime as to when those lines would be really needed. The motion, thereafter, was unanimously approved to take the matter off calendar.

PUBLIC HEARING ON PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF TAXICAB PERMITS

Commissioner Giraudo said that he had a statement to read before the Commision proceeds. He said pursuant to last week's meeting and with the concerns that arose with respect to procedures and policies in the taxicab industry and Public Convenience and Necessity (PC&N) in particular. He said he has sought the council of the City Attorney's Office and received the following which he will read into the record: "In November of 1986, the Commission opened its annual inquiry into the public convenience and necessity issue. At that time, a wide ranging study was prepared and presented to the Commission. The Commission conducted a series of lengthy hearings on the dynamics of the industry, on the need for various reforms in the industry and the steps the City could take through its taxicab permit procedure and other regulations to improve the taxicab service in San Francisco.

Those hearings culminated on October 1, 1987. At that time, the Commission adopted a resolution directing the staff to proceed with the processing of applications and indicating its view that there was reason to believe that a Public Convenience and Necessity woule be served by the issuance of an additional fifty (50) permits.

The Commission has been advised by the City Attorney that the taxicab initiative requires that the Commission act on a permit by permit basis. Accordingly, the determination of the Commission was nothing more than a response to a staff recommendation that the Staff bring those applicants before the Commission. The Commission has, therefore, not yet completed its review and action upon applications pending in November of 1986.

After conferring with the City Attorney, the Commission is determined that it is necessary and appropriate that the Commission consider the adoption of formal written rules that will set out the process whereby the Commission will conduct hearings on applications in a fashion that promotes fairness to the applicants and avoids duplicating testimony and a waste of the Commission's scarce resources. I have asked the City Attorney, working in consultation with the Commission's Staff, to draft regulations which we will calendar for hearing when they are available. We hope that to occur in the next two to three weeks. Since the review of applications for 1986 has not been completed it would serve no useful purpose to undertake an examination of the list of applicants for 1987, instead, I will ask that a motion this evening be made that the Staff be directed to notify all applicants who have submitted applications subsequent to the cut-off date for the 1986 PC&N inquiries and prior to the deadline for the November 1987 application process. That their applications be considered along with the 1986 applications at the hearings that were calendered to commence on January 14, 1988 and in correct with the Rules and Regulations that will be promulgated by this Commission before that date. Commissioner Nelder said he would move approval of that recommendation. Commissioner Owens seconded and it was unanimously approved.

Commissioner Giraudo, then said that what this means is that the Commission will not have a hearing this evening and that there will be a Public Hearing with respect to the Rules and Regulations that the Commission will be developing with the City Attorney and the Commission Staff and Commission will proceed on January 14, 1988.

STATUS REPORT ON PROPOSED ADOPTION OF A RESOLUTION SUSPENDING GENERAL ORDER D-8, SECTION II, PARAGRAPH C-9, CONCERNING ON-CALL PAY

Deputy Chief Willis Casey said what he would try to do in the next few minutes is bring the Commission up to date on the budget and present the entire problem that is facing the Police Department. He said at the last Meet and Confer session with the San Francisco Police Officers' Association (SFPOA) the Department could hardly perceive that this was an isolated act of the administration singling out the Inspectors to change their overtime. He said what he would try to do is to give the Commission the entire budget picture, showing what the Department is trying to do and give the Commission the options that confront the Department. He then went over the budget and the various deficits which totalled 1.5 million dollars. He said the Department budgetary staff will have to meet with the Controller's Staff tomorrow and with the decision that has already been made, which is the only alternative available to the Department, is to take the money alloted for the recruit classes and use that money to offset the deficits.

He said another place to possibly save some money would be in the Department's proposed 4/10 Plan and its vehicles which cost $467,000.00. He said the other place to control spending is in overtime. He said the Department feels that it should discontinue the current rate of overtime usage of $10,000 dollars a day. He said the reason they singled out the Inspector's Bureau first is that it uses more overtime than any other unit in the Police Department because of the nature of the job. But, he said, the Administration is not just singling out the Inspector's Bureau for reduction, they are also going to look at Communications and Community Relations. He then asked Deputy Chief Jack Jordan to talk about the 4/10 Plan and the ramifications of either eliminating it or shortcutting it.

Deputy Chief Jack Jordan of the Field Operations Bureau then gave the Commission a brief overview of the 4/10 experiment. He said it was conceived to achieve 4 objectives; (1) Greater Personnel productivity, (2) Fewer usage of Sick Days, (3) Quicker response times and (4) Better weekend Personnel availability. He said when this was compared to the previous year all four objectives were achieved with impressive successes. He said the heart of the 4/10 Plan is vehicles. He said the concept deploys members in a one man and a two man car meld and it is critical to have the vehicles available to do this. He said without the vehicles the plan must be abandoned. He said he would hope that the Commission would not look to the 4/10 Plan vehicles to try and make up this deficit.

Deputy Chief Lawrence Gurnett of the Bureau of Investigation then came forth and gave the Commission an overview of the demographics of the Bureau of Investigations as it currently exists. He said the Bureau is currently 30% understaffed and examination to replenish their shortages is not expected for at least another year. He said this alone presents a very bleak picture for the Bureau in responding to services and to the overall mission of the Bureau. He then suggested several solutions to the Bureau's dilemma as to use of overtime. He said the first would be to sit down with the POA and negotiate downward from the Bureau's current cost of $290,000 annually by utilizing a combination of time and pay that could possibly save $145,000 annually. He said the second option, of course, would be to eliminate the cost totally. He said this would be a tremendous impact on morale in the Bureau and especially doing this without any trade off. He said also there could be the option of compensation time and another option of creating a Night Bureau Operation.

After listening to the above, Commissioner Sanchez said that Policing as a major institution basically encompasses everything in reference to the quality of and totality of life in the City. He said the need is here for the Administration to focus on some creative models as to how it can utilize extramurial funding to address some of the critical issues facing this city through the uniqueness and high quality of Police Services in San Francisco.

Commissioner Nelder said he felt that was well said as it had just dawned on him that there may be some funds available which the Department really haven't explored and sought. He then asked the Chief if it wouldn't be wise to have Planning and Research look into, particularly, Federal and State funding that might be available to the Department. He said four years ago the Department obtained twenty-two (22) motorcycles plus salaries from the Federal Government and he hoped the Department is not now over looking this possibility.

Chief Frank Jordan said he could assure the Commission that this is an ongoing process right now and specifically in a couple of areas such as The Friends of the Police Department, who helped in passing the Ballot Initiative Proposition A. He said the Department is working closely with the Police Foundation in an attempt to see if they may be able to come up with any kind of funds. He said they know that the Federal Government capacity has dwindled down very very drastically when it comes to funds and the Mayor's Criminal Justice Council which is actually set up to look at both State and Federal Grants are being pursued but they are telling the Department also that it is extremely difficult to find funding. He said they are also working with the San Francisco in the Planning Division everyday but finding it difficult because of all of the cutbacks in the private sector as well.
Commissioner Nelder then advised all parties to put their heads together in an attempt to solve this dilemma as soon as possible.

Thereafter, Commissioner Giraudo said the next item should now be called.

RESOLUTION NO. 1607-87

REQUEST OF THE CHIEF THAT THE POLICE COMMISSION DECLARE AN EMERGENCY SO THAT $200,000 MAY BE APPROPRIATED FROM THE CITY'S EMERGENCY RESERVE TO FUND A SUPPLEMENTAL APPROPRIATION FOR POLICE OVERTIME FOR WEEKEND AND HOLIDAY REBOOKINGS

WHEREAS, the City and County has been mandated in the case of Stone et al vs. City and County of San Francisco to reduce overcrowding in the inmate population of County Jail #1, and;

WHEREAS, such overcrowded conditions are a threat to the health and safety of persons detained in the County Jail #1, and;

WHEREAS, the overcrowded conditions are also a threat to the public peace and property of the City and County, in that a potential exists for a prisoner disturbance to occur because of the overcrowded conditions, and;

WHEREAS, a court mandate requires that the District Attorney review felony arrests within 36 hours, including weekend and holiday periods, and;

WHEREAS, police investigative information is required by the District Attorney so that decisions may be made on whether to rebook or release suspects confined in County Jail #1, and

WHEREAS, it is necessary to require investigators to work on weekends and holidays, in order to provide needed information to the District Attorney, and;

WHEREAS, overtime is required due to a high vacancy rate in the rank of Q35/0380 Assistant Inspector/Inspector, and;

WHEREAS, much of an investigators time is spent in preparing for court and interviewing witnesses and victims, and;

WHEREAS, such activities are performed more practically on weekdays so that the changing of days off would not be effective; therefore be it

RESOLVED, that the Police Commission hereby declares that an emergency exists, per City Charter Section 6.307, so that the City's Emergency Reserve may be used to fund a previously approved Police Department supplemental appropriation for police overtime, so that the Police Department may comply with a court order requiring the rebooking or release of felony suspects within 36 hours of arrest.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

RESOLUTION NO. 1608-87

REQUEST OF THE CHIEF OF POLICE FOR A SUPPLEMENTAL APPROPRIATION AMOUNTING TO $2,468,984 TO ADJUST UNIFORMED SALARIES, RETROACTIVE TO JULY 1, 1987

RESOLED, that the Police Commission hereby approves a request for a supplemental appropriation amounting to $2,468,984 to adjust uniformed salary rates by 1.68% for the 1987-88 Fiscal Year, retroactive to July 1, 1987, as authorized by City Charter Section 8.405.

AYES: Commissioners Giraudo, Nelder, Owens, Sanchez
ABSENT: Commissioner Davis

HEARING OF POLICE OFFICER KEVIN L. HALL, CENTRAL STATION

The hearing of the disciplinary charges filed against Police Officer Kevin L. Hall, Central Station, was called it having been continued from the meeting of November 12, 1987.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Kevin L. Hall appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

An opening statement was made by Mr. Stephen Whitmore for the Defense.

The following named witnesses appeared for the Defense, were sworn and testified:

Officer Kevin L. Hall, Company A
Officer Stephen Rist, Company A
Ms. Mickey Duxbury, Clinical Psychologist

The following exhibit was entered into evidence by the Prosecution:

Exhibit #6 Cost for Damage to R.A.T. Unit

The hearing was then continued to Thursday, December 17, 1987 at 4:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder Owens
ABSENT: Commissioners Davis, Sanchez

Recess taken during the hearing of Officer Kevin L. Hall:

8:11 p.m. to 8:17 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

HEARING OF POLICE OFFICER STEPHEN RIST, CENTRAL STATION

The hearing of the disciplinary charges filed against Police Officer Stephen Rist, Central Station, was called it having been continued from the meeting of November 12, 1987.

Mr. Michael Gash, Attorney at Law, appeared on behalf of the San Francisco Police Department.

Police Officer Stephen Rist appeared in person and was represented by Mr. Stephen Whitmore, Attorney at Law.

An opening statement was made by Mr. Stephen Whitmore for the Defense.

The following named witnesses appeared for the Defense, were sworn and testified:

Officer Kevin L. Hall, Company A
Officer Stephen Rist, Company A
Ms. Mickey Duxbury, Clinical Psychologist

The following exhibit was entered into evidence by the Prosecution:

Exhibit #6 Cost for Damage to R.A.T. Unit

The hearing was then continued to Thursday, December 17, 1987 at 4:00 p.m. in Room 551, Hall of Justice.

AYES: Commissioners Giraudo, Nelder Owens
ABSENT: Commissioners Davis, Sanchez

Recess taken during the hearing of Officer Stephen Rist:

8:11 p.m. to 8:17 p.m.

(The entire proceedings were taken in shorthand form by Ms. Linda Pransky, CSR.)

The meeting, thereafter, was adjourned at 9:15 p.m.

Lieutenant Willie E. Frazier
Secretary
THE POLICE COMMISSION